The End of Scandal • Why I quit Bush's EPA

The Washington Monthly

July/August 2002

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Al Gore was right about global warming. If only he'd run on it.

Weather 'tis Nobler in the Mind

by Stephanie Mencimer

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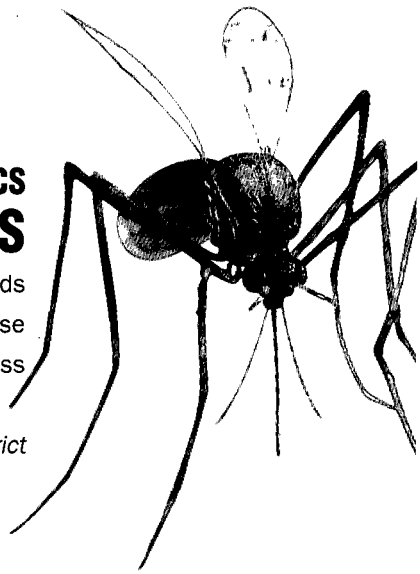
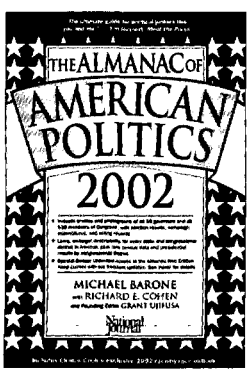
EVERYTHING YOU NEED TO KNOW ABOUT AMERICAN POLITICS

INCLUDING BLOOD-SUCKING WHINERS

"Behind the Shore are swamp and flatland, the Pine Barrens and vegetable fields that give New Jersey the name 'Garden State.' Growth has been slow in these small towns and gas station intersections, communities in whose eerie calmness in the summer you can hear mosquitoes whining."

—*The Almanac of American Politics on New Jersey's 2nd Congressional District*





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Letters

McCain Mutiny?

While I consider myself a loyal and liberal Democrat, I could certainly support McCain as the Democratic nominee ("The Big Switch," May). McCain has supported many issues that our party stands for. I believe that in his heart he has more in common with Democrats than Republicans. McCain also knows first hand how the Bush people used race against him in the South because of the color of his adopted daughter. That alone is still an open wound for McCain. Defeating Bush would help to heal it.

MARTIN LOPEZ
Santa Fe, N.M.

Tracking Trouble

We at the INS were amused to read that somehow I'm working to undermine the new student tracking system ("Borderline Insanity," May). That's because I read the article en route to a meeting with the Office of Management and Budget to speed the proposed regulation to implement the Student Exchange and Visitor Information System (SEVIS), the new student tracking system. We have been working around the clock to get SEVIS operational as soon as possible. Moreover, in recent weeks INS has put forward a series of sensible measures that significantly tighten the foreign student process.

Contrary to the premise of the article, since Commissioner Jim Ziglar and I came to INS, the student tracking system has proceeded at its fastest pace to date. The regulation on student tracking was published on May 16, and schools will start being enrolled in SEVIS this summer. These facts undermine the whole point of the article.

Confessore's contention that when I worked on the Senate Immigration Subcommittee I was heavily involved in preventing the student tracking system that eventually became SEVIS is ridiculous. In four years, I spent perhaps six to eight hours total on this issue and even that involved the narrow issue of who collected the fee on foreign students—the schools or the Justice Department—not whether there should be a system or even what the system should do.

The contention that SEVIS is not as good as another potential approach is a matter of conjecture. The article references the pilot program called CIPRIS that the INS ran for two school years (1997–1999). The CIPRIS pilot was just that—a pilot—an opportunity to test some concepts. In fact, the INS applied what was learned from the pilot to SEVIS.

I declined to be interviewed for the article because I suspected an agenda and that's precisely what I found. The article also attributed to me an alleged statement about "Gestapo tactics" that I never made. That quotation came from a secondary source and was never verified with our public affairs office.

STUART ANDERSON
Executive Associate Commissioner, Policy and Planning, Immigration and Naturalization Service

If it weren't so slanderous, I would have found Nicholas Confessore's article a fascinating throwback to the McCarthy era. The notion that NAFSA "sprang into action" in response to the 1996 law is laughable. Many of our members did have serious reservations about the student tracking system. Some, including one you quoted, "loved it." But when I took this job in February 1998, we were so consumed by this debate that springing into action about anything was impossible. Never during the INS's Maurice Berez's tenure running the foreign-student monitoring program did NAFSA take an official position.

I have never heard any member worry that a student tracking system would mean "fewer jobs for foreign student advisers," and I do not believe such fear exists. For the record, NAFSA never sought Berez's removal, and I never met with Commissioner Meissner on this or any other matter.

What united virtually every higher education group against the $95 fee was opposition to the government's attempt to enlist universities as fee collectors.

Terrorists caused the events of September 11; universities and their "lobbyists" didn't.

MARLENE M. JOHNSON
Executive Director and CEO, NAFSA

As members of the original CIPRIS task force, former members of the NAFSA Board of Directors, and individuals with substantial experience in international education, we can shed a bit more light on the topic raised in Confessore's article.

With the exception of a few factual errors, the article is substantially correct. NAFSA as an association was diametrically opposed to the original tracking system that CIPRIS was creating, working hard to postpone it, derail it, and make it less accountable and therefore less effective. While a small core of leaders worked closely with Berez to develop a workable tracking system, most members and leaders of the association worked publicly against it, opposing the $95 fee and even the very concept of a tracking system. Finally, NAFSA members generally did not believe that there was a genuine threat that terrorists, using student visas, would attack the United States. Their opposition provided a constant challenge to the original CIPRIS task force. In fact, a good deal of the task force's creative energy was spent trying to overcome the objections of the NAFSA membership. Unfortunately, NAFSA leadership remained unconvinced. Johnson took her cue from them and from the consensus of the association and did indeed lobby for Berez's removal from the project. It was an effective way of derailing the project.

Would CIPRIS have succeeded where previous INS attempts to monitor foreign students failed? Absolutely. Could CIPRIS have prevented the events of September 11? There is, of course, no way of knowing. But the program was designed to collect and monitor information that was instrumental to the tragedy—money and flight schools. Confessore's article provides a helpful glimpse into what became a costly public policy failure.

BERNARD E. LA BERGE
Associate Dean, Modern College of Business and Science, Sultanate of Oman
WILLIAM J. PAVER
President, Foreign Credentials Service of America, Austin, Texas

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Nicholas Confessore replies: Almost everything in Anderson's letter is contradicted not just by my article, but also by the recent report of the Department of Justice's Inspector General, which found that SEVIS has serious flaws and is unlikely to be up the date Anderson promises.

I made two errors of fact that should be corrected. Robert Bach does not work at the Ford Foundation, but the Rockefeller Foundation—he performed a multiyear study of recent immigrants under a Ford grant during the early 1990s; hence my confusion. The other is the date of Maurice Berez's removal from the INS student-tracking project. An editing error leads the reader to believe he was removed in the fall of 1998. He left at the beginning of 2000.

Starr's Wars, Episode II

I was outraged that the editors of *The Washington Monthly* assigned Michael Isikoff to review Benjamin Wittes's book about Ken Starr ("Starr's War," May). Have you already forgotten that Isikoff was an all too willing ally of the loathsome Lucianne Goldberg in her effort to destroy President Clinton and his presidency? Isikoff writes that Starr was never a rabid partisan. At the time of his appointment as special prosecutor, Starr may not have had a reputation as a partisan, but that does not change the fact that he was one: He was a member of the right-wing legal group, the Federalist Society, and an advocate for Paula Jones. I first saw him on the "MacNeil Lehrer NewsHour" defending Jones's right to sue Clinton. The intensity of his hatred toward the president left an indelible impression, and rendered him unable to conduct an impartial investigation. The only reason that James McDougal, after his conviction, backed up David Hale's story about the $300,000 loan given to his wife Susan was to reduce his sentence, which was more than 80 years. McDougal was not a convicted felon at the time he ran Madison Guarantee. The Whitewater allegations against them were all smoke and mirrors sustained by a media all too eager to believe anything negative about the Clintons. It is too bad those same standards do not apply President Bush and his ties to Enron.

REBA SHIMANSKY
Brooklyn, N.Y.

Class Action

Richard Florida ("The Rise of the Creative Class," May) provides a fascinating and elegant map of the new geography of America's creative class. One additional dimension is worth noting. The kind of visible bohemian diversity that he singles out as crucial for cities to attract members of the creative class is also an historic phenomenon associated with port cities. Be it San Francisco, Chicago, Detroit, or New York, these places traditionally have been very tolerant of transients, strangers, immigrants, singles, outsiders, and minorities. Notably, seven out of Florida's top 10 large cities are either historic or portal cities. On the other hand, virtually all of the medium-sized cities attracting the creative class are landlocked, which suggests to me that the traditional bohemianism of the old port cities has not only reinvented itself in the post-industrial age, but is also replicating itself in coastal college/hi-tech cities. Perhaps Pittsburgh, the nation's second-busiest inland port, and other sadly lagging cases, like New Orleans, can rediscover the liquid network geographies that once gave them not just power and position but the "low barriers to people entry" and knock-about cosmopolitanism that the creative class just (and justly) loves.

PETER MURPHY
Victoria University of Wellington
New Zealand

In Memoriam

Scott Shuger, a beloved Washington Monthly editor from 1989-91, died suddenly in June as he was preparing to scuba dive. While we are shocked and saddened by his passing, we'll remember Scott for his remarkable originality and relentless honesty.

We've linked some of Scott's most memorable Monthly articles from our web site: www.washingtonmonthly.com

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Tilting at Windmills

By Charles Peters

Father Pedophile • Four Thrusts • Elderly Terrorists
Atta at Agriculture • Full-Field Follies • Ghastly Class

"Air travel has been much more comfortable," observed Britain's Prince Philip recently. Then he added, "Unless you have to travel in something called 'economy class,' which sounds ghastly." He doesn't seem to realize that 95 percent of us non-royals have to travel in 'ghastly class.' Other evidence that the royals don't quite get it comes from a recent article about Prince Charles in *The Guardian*, in which a guest described a showing of the movie *Gosford Park* at one of the prince's residences: "We went in for a screening and there were plush chairs for us at the front and plastic chairs in the back for the staff."

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Although the Homeland Security Agency was less than immaculate in its conception—indeed, its announcement seems to have been driven by the desire to keep Coleen Rowley's testimony that afternoon from dominating the front pages the next morning—it nevertheless strikes me as, on the whole, a good idea. It may have been hastily put together by the Bush administration, but it had already been pretty well thought out by people like Gary Hart, Warren Rudman, and Joe Lieberman.

But if this giant agency is going to work, I suspect it will need bipartisan administrators as well as godfathers. There simply aren't enough Republicans who have manifested a passion for making government work. (Quick, name three.) If a thoroughly dysfunctional agency like the INS is going to be turned around, it will take someone at the top like James Lee Witt, who did just that for FEMA.

So far, the Bushies have not shown a lot of aptitude for new agency creation. The Transportation Security Agency, founded last October, has only been able to staff one airport. It is for this reason that, while I like the idea of the new agency, I have to be pessimistic about its short-term prospects.

There is also the cart-before-the-horse problem. Even a splendid Homeland Security Agency would be of little use if the CIA and the FBI can't identify the terrorists it is supposed to keep from doing harm. Both agencies need major reform now, and it seems to me that should have priority over the creation of a new agency. There are far too many examples of the CIA's haplessness—see the article by Loch Johnson in our July/August 2001 issue—but nothing captures their flavor better than a small one unearthed by *The Wall Street Journal*'s David Cloud. It seems that for its information from Karachi, Pakistan's largest city, the agency was, on September 11, relying on one agent who spent six months there and six months at his country home in Virginia. The FBI's mishandling of tips from Kenneth Williams and Coleen Rowley was embarrassing. Now comes the news that the FBI is importing analysts from the CIA which, according to Loch Johnson, an authoritative critic of the agency, is itself short of quality analysts.

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Both agencies could use an infusion of talent, but even more they need better communication within themselves and with one another.

Most of the employees at both places are able enough when they start, but as they rise up the ladder, too many become so thoroughly bureaucratized that they are incapable of a thought that is not protective of their own careers or the survival of their bureaucratic unit. They don't want to have anything to do with something that might get them into trouble or is out of the box. Thus, good ideas from the Phoenix and Minneapolis offices are cut off before they reach the top of the agency. The same turf-conscious bureaucrats are the ones who are behind the mutual jealousies that cause the communication problem between the FBI and CIA.

We must find a way of making sure that these mid-level bureaucrats think twice or three times about squelching something the director should hear, and the way to do that is to make them think the director might find it out anyway. Here's my solution: George Tenet and Robert Mueller should identify 50 to 100 of their smartest and least bureaucratic subordinates and attach them to the director's office as extra eyes and ears. They should visit field officers like Rowley and Williams and talk to lower-level employees at the headquarters asking what they know that the director should know but doesn't. Above all, they should make sure each agency is sharing information with the other.

Finally, however, even a great Homeland Security Agency, and a thoroughly reformed FBI and CIA aren't going to be able to save us if our foreign policy creates a dozen new terrorists for each one we eliminate. It is therefore essential that Bush cool his obsession with Iraq and concentrate on two things, giving real hope to the Palestinians and giving all possible aid to moderate

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Muslims against the Islamic extemists who preach hatred and stultify progress for their people.

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WILDFLOWERS NOW BLOOM earlier in Oxfordshire, England. In fact, 10 of them bloomed from 20 to 55 days earlier on average in the 1990s than they did in the 36 preceding years, according to a study reported in *Science* magazine. The Palisades neighborhood in Washington, D.C., where I live, is a long way from Oxfordshire, but the trend is the same. This year, the first crocuses appeared in our yard on Jan. 28. When we moved here 40 years ago, the date was around Feb. 14. Daffodils arrived this year on Feb. 28; they used to appear two weeks later. I wonder what it's like in Crawford, Texas?

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YOU KNOW THERE'S NO BOMB in your luggage, and you at least have the comfort of knowing the luggage of the other passengers is subject to some kind of scrutiny. But what about the air cargo? Could a bomb have been stashed in that crate you see being loaded into the hold of your plane? That's a good question. There is no regular scrutiny of packages and boxes that constitute the cargo of passenger planes. "Cargo is likely to become—and may already be—the primary threat vector in the short term," says an internal Transportation Security Administration report obtained by *The Washington Post*. We can laugh at the bureaucratese of "threat vector," but it's unlikely we'll be laughing as we watch the cargo being loaded on the next plane we take. Passenger planes now carry 20 percent of the 12 million tons of cargo transported by American carriers. To repeat, there is no inspection of this cargo.

The situation is almost as bad with seaborne cargo. Only two percent of it is inspected; the other 98 percent could contain anything from a nuclear device to anthrax spores.

"Last year, a New Jersey man pleaded guilty to criminal charges related to smuggling a 60-ton armored riot-control vehicle through a West Coast port," report Al Baker and John Sullivan of *The New York Times*. Nothing makes the point better, write Baker and Sullivan, than the "experience of a failed decades-long effort to stop drug smuggling through the ports."

For the Homeland Security Agency to work, it will need bipartisan administrators. There just aren't enough Republicans with a passion for making government work.

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HERE'S A GOOD question for constituents to torment their congressmen with: Why can't we have the same health plan you do?

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OF ALL THE CLUES THAT THE authorities missed that might have alerted them to the fact that something like September 11 was coming, my favorite is the story told by Johnell Bryant of the Department of Agriculture. It seems that Mohammed Atta, the conspiracy ringleader, applied to her for a $650,000 loan to buy a twin-engine crop duster. He also tried to buy an aerial photograph of Washington that hung on her wall, after asking her to point out where the Pentagon and the White House were.

When Bryant told him he could not have the loan, Atta, writes Tina Kelley of *The New York Times*, "became agitated … and asked her what was to prevent him from slitting her throat and stealing money from the safe behind the desk in her Florida office."

When she replied that there was no money in the safe and that she was trained in martial arts, Atta displayed his flexibility.

He asked how he could get such training and said that al Qaeda could use someone with her qualifications, telling her about Osama bin Laden, whom he assured her would someday be known as "the world's greatest leader." If it hadn't really happened, this would make a perfect script for "Saturday Night Live."

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BE SURE TO SEE *The Path to War*, HBO's fascinating docudrama about how LBJ became mired in Vietnam. It is a tad too kind to Johnson, but as the first popular account of the period to display empathy for the beleaguered president, it tilts in a badly needed direction. It joins *Thirteen Days*, that marvelous movie about the Cuban Missile Crisis, as rare Hollywood successes at explaining how decisions are made in Washington. Both of these films should become standard features of American history courses.

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IN ALL THE TALK ABOUT THE failures of the FBI and the CIA, I've seen little about the performance of the giant Defense Intelligence Agency. The only clue I've found is not comforting. Bill Gertz and Rowan Scarborough report in their "Inside the Ring" column in *The Washington Times* that the DIA's current leader, Vice Admiral Thomas Wilson, is "best known for introducing a corporate-management gimmick called 'Four Thrusts.'" There may be gimmicks that have worked sometime somewhere, but in my 40 years as a participant in and observer of bureaucracy I have never known one to produce significant positive results. In fact, they usually distract the bureaucrats involved from doing work that counts.

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IF YOU'VE EVER BOUGHT A HOUSE, you're likely to have experienced a shock at what is called the "closing." Suddenly you're confronted with an exotic assortment of extra fees for appraisals, credit reports, title searches, and delivery charges. Usually the

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hapless buyer, anxious to move into his new home, agrees to pay up. Later, if he investigates, he will find that the fees usually represent outrageous markups of the actual cost of the services provided. A credit report that really costs less than $10 is billed at $65. A title search that costs $75 is billed at $175, and sometimes much more, with another $1000 piled on for title insurance. (Query: If the search shows your title is good, why do you need the insurance?) In recent years, the Department of Housing and Urban Development has tried to limit some of these phony surcharges. But the Fourth Circuit Court of Appeals has just ruled that the markups are legal. Conservative judges now dominate the federal judiciary. But as we pointed out in Stephen Pomper's Dec. 1999 article, "The Gipper's Constitution," nowhere is the domination more absolute than in the Fourth Circuit. This ruling is an example of the cost to we the people.

What is needed most is a way to ensure that bureaucrats in the FBI and CIA will think twice about squelching something the director should hear.

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WHEN YOU ASK THE BIG SHOTS if it really makes sense to have the war in Afghanistan run from Tampa, Fla., where Central Command is located, they assure you it can be done because of the miracles of modern communication. But now comes *The Washington Post*'s Tom Ricks—remember, he's the fellow who won a Pulitzer for his Pentagon coverage at *The Wall Street Journal*—to take a look behind these assurances and find that there are problems. The biggest is the vastly different time zones. An urgent situation can develop in Kandahar while the fellows in Tampa are nodding off. Similarly, when the guys at Central Command are wide awake and come up with an inspired idea, fatigue is kicking in for soldiers in Afghanistan.

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WHAT DOES THE FBI DO WHEN it isn't following up on leads to terrorists? Obviously, some of its work, like catching regular criminals, is important. But some could easily be dispensed with. An example is the full-field investigation that must be done of every presidential employee. It involves dozens of face-to-face interviews and can take months to complete. For some appointees to sensitive positions, this makes sense. But as my friend Norman Ornstein recently asked, does it make sense for members of the U.S. Holocaust Commission or for a member of the board of the Corporation for National and Community Service?

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SPEAKING OF AIRPORT SECURITY, have you noticed the number of grandmothers and grandfathers being pulled out of the line for greater scrutiny? A recent victim is Rep. John Dingell, the Michigan Democrat, age 75. There is an explanation for this phenomenon, and I'm indebted to the *Chicago Tribune*'s Jon Hilkevitch for it. A ticket paid for with cash is one of the signals that trigger extra attention from security guards. Many seniors pay for their tickets with a check, which airline computers treat as cash. They also buy trips from tour companies that, according to the *Tribune*, "record group airline ticket purchases as cash transactions—even if individual customers paid with a credit card." I have an idea. I have to admit that self-interest is involved, since I, too, am 75. But why don't the airline and tour companies fix their computers?

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FOREST SERVICE TANKER PLANES are used to drop flame-retardant chemicals on forest fires. They are often left unattended at remote airfields. They would seem to offer a tempting target for terrorists who could use them to spread harmful chemical or biological agents. But, when the Forest Service was warned of this danger after September 11, according to Philip Shenon of *The New York Times*, it decided that the risk of its tanker planes being used by terrorists "was not even worth examining closely."

If that doesn't curl your hair, consider that the Energy Department's Inspector General reported a couple of months ago that the department could not account for radioactive materials it had sent abroad under the Atoms for Peace program. These materials could be used to make dirty bombs. So what's the Energy Department going to do? One division expressed curiosity about what had happened to the material, but the response of another, the National Nuclear Security Administration, was a bureaucratic classic. It said, reports Shenon, that the department had no obligation to look for the materials because "international agreements governing the materials contained no requirement for the United States to track them."

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ONE REASON WE NEED MORE, rather than less, regulation is that, according to Stephen Labaton of *The New York Times*, "white-collar corruption seems to be the crime of choice of the baby boom generation." Every week brings a new company—or its accountant—under investigation for its dubious financial practices. Joseph Wells, an expert on fraud, says there are at least two reasons for this trend.

"Crime is largely a factor of age, and fraud is the crime of choice of the older perpetrator, so as the society ages, you have, and should continue to see, an increase in fraud cases. A second reason is that the education level of society has come

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up, and the message is clear in the minds of the better-educated public that if you want to commit a crime, fraud is the way to go. The take is better, and the punishment generally is less."

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THE QUESTION, "SMITHERS, CAN you explain why you had to stay at the Ritz," followed by the justification, "I couldn't find a room any place else," is a classic of expense-account culture. The boss can't challenge the improbability of the excuse unless he has evidence that there actually were lower-cost rooms available that night in that city. For this reason, the more remote the city, the more likely the employee will get away with the Ritz.

This principle has been taken to new heights by Army Special Forces, who have been staying at the five-star Sheraton Metechi Palace Hotel in Georgia. Why can't the Army check up on hotels in Atlanta or Savannah or wherever, you may ask? Well, we aren't talking about that Georgia—it's the former Soviet Union's Georgia, surrounded by Russia, Turkey, and Armenia, and not a regular stop for Pentagon auditors. Thus, the special forces can assert, without fear of contradiction, that, as *The Washington Post*'s Al Kamen reports, they "searched high and low" for less expensive accommodations, but were forced to settle for the Sheraton with its heated indoor and outdoor pools, King Gorgasali gourmet restaurant, Slammers Pub, and hypoallergenic pillows.

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A GROUP OF VICTIMS OF PRIESTLY abuse are suing to void secrecy provisions in their settlement agreements with the church. These agreements should be outlawed. They are used to keep the public from finding out what it should know. It's not just a matter of parents being able to discover that they shouldn't send their children to be altar boys at Father Pedophile's church; it's a much broader problem. How can patients know that Dr. X is a butcher when they don't know the terms of his malpractice settlements? How can they find out that Factory X is killing people with its pollution if previous victims have signed secrecy agreements?

Of course the people who have signed the agreements share a bit of the blame. But they are often desperate to recover the cost of medical care they have incurred because of the bad guys' behavior. Even when greed is the main reason for their agreeing to secrecy, that should not obscure the public's right to know the facts of these cases. Just consider these examples from the Coalition for Consumer Rights on the needless fatalities for which secrecy agreements are responsible:

"Zomax's dangers were hidden five extra years, causing 14 more deaths and 403 life-threatening allergic reactions.

"General Motors' dangerous fuel tanks were kept secret for 15 years, causing hundreds of needless deaths.

"Bjork-Shiley's heart-valve troubles were concealed for six years, leading to at least 248 deaths.

"Dalkon Shield's flaws were concealed for 15 years, causing 11 pointless deaths, 209 septic abortions, and thousands of injuries."

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SINCE THE APPARENT ALTERNATIVES to Arafat are more radical than he is, I've wondered why Sharon is so determined to get rid of him. Now we have an explanation from James Bennet of *The New York Times*, who says this about Sharon and his followers: "They argue that chaos or the rise of militants in the West Bank and Gaza would substitute a clear extremism for Mr. Arafat's ambiguity and his ability to command credence and sympathy overseas." In other words, getting rid of Arafat, who despite his many faults has recognized Israel's right to exist, would leave Palestine directed by people who are publicly committed to the destruction of Israel and who thus would not attract support from the rest of the world.

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GUESS WHICH JOURNALIST WROTE that George W. Bush is not going to take on Sharon because it would jeopardize his brother Jeb's election prospects in Florida, where a significant proportion of the electorate is Jewish? Was it a Palestinian? Was it an American lefty? Or was it an Israeli? The answer is a writer from the Israeli newspaper *Haaretz*: "With so many Jewish votes in that state, Bush is not likely to do anything that would alienate Jewish voters—whose support for the Republicans is growing—by going head-to-head with Ariel Sharon."

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SCOTT SHUGER, WHO WAS KILLED in a scuba-diving accident in June, worked here from 1989 to 1991 alongside first Jason DeParle and then James Bennet, both of whom went on to distinguished careers at *The New York Times*. He was the prime mover in the selection of Katherine Boo as his successor, and, Boo, of course, went on to win a Pulitzer at *The Washington Post*. None of these stars shines brighter than Scott. He was an original both in background—not many people come to journalism with a Ph.D. in philosophy and five years' experience in naval intelligence—and in the way he thought. He could show liberals why they were wrong in thinking all the homeless needed was housing, and he could show conservatives, in an article that was a dozen years ahead of its time, how the accounting industry made a mockery of their uncritical faith in the market economy. Under *Slate*'s Michael Kinsley, Scott went on to become one of the most acclaimed practitioners of Internet journalism. With all this, he was an incredibly nice guy, great fun to be with, much loved by his colleagues. I can still see the laughter in his eyes. His presence is so vivid, so beguiling, that I know he will live until the last of his friends is gone. And even then, his reporting will endure as an example to journalists of what they should try to do.

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The 'Gate-less Community

In any other administration, Bush's scandal-plagued Army secretary would be history. But the rules have changed.

BY JOSHUA GREEN

ONE WEDNESDAY MORNING IN LATE May, Army Secretary Thomas White arrived late at his ornate Pentagon office, the strain of a breakfast meeting with the Joint Chiefs of Staff still visible in his face. Not quite one year into the job, he was suffering through one of the rockiest tenures for a service secretary in decades. As the highest-ranking Bush administration official to have worked at Enron Corp., he had been dogged by critics since January. Lawmakers from both parties had gone after him for failing to comply with an ethics agreement to divest himself of Enron stock after he'd promised to do so. A list of his contacts with Enron officials since taking office, submitted at the request of Rep. Henry Waxman (D-Calif.) to determine if he'd traded on insider information, had turned out to be incomplete: White had claimed 29 contacts; it proved to be 84. In the midst of all this, he had taken a military jet to close the sale of his $6.5-million ski home in Aspen, prompting an investigation by the Defense Department's inspector general. Both *The New York Times* and the *Los Angeles Times* had called on him to resign. As if that weren't enough, Defense Secretary Donald Rumsfeld had, without consulting White, eliminated the Army's prized Crusader artillery system. And when Army talking points surfaced on Capitol Hill immediately thereafter, warning that "a decision to kill Crusader puts soldiers at risk," White's departure had seemed imminent. Things were about to get even worse—his old business unit, Enron Energy Services, had been tied to price-fixing during California's energy crisis, and White had just learned that Sen. Byron Dorgan (D-N.D.) would call him to testify before a Commerce Committee panel.

But first, duty called. White arrived to find a film crew and a swarm of tweedy officials from the National Science Center on hand to celebrate an educational "partnership agreement" with the Army. With weary resignation, he ushered the scientists in, gamely posed for grip 'n' grin photos, and with practiced efficiency, dispatched the group with handshakes and "U.S. Army" tie tacks.

When the crowd was gone, White removed his suit jacket, rolled up his sleeves, and collapsed into a chair to discuss his predicament, looking every bit like a man under investigation by the FBI, the SEC, and an inspector general. "Never having held a Senate-confirmed job, you tend to forget the complexity of the environment," he confessed, resuming an earlier conversation. "Obviously, against the background of Enron and all the public interest in that, that's probably made it even more challenging."

Though White retired from the Army as a brigadier general in 1990, he still speaks in the cadence and idiom of an officer. But with his thinning gray hair, pinstriped suits, and silk ties, he has come to resemble a business executive—one pummeled by bad news and giving more than passing thought to the possibility of stepping down. "It's a subject of daily conversation with my wife and I," he reflected, sipping a Diet Coke. "Is this all worth it? Your family is not used to seeing your name on the front page of the newspaper in a less-than-complimentary way. The question is, are you still an effec-

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tive spokesman for the Army? Do you feel like your voice is heard in the department? Or do you get to the point where the distractions are just too great?"

When I'd first met him some months earlier, White had been addressing the Enron situation for the first time to a passel of handpicked reporters. Though candid and straightforward, at times even displaying a flash of Rumsfeld's brio, he conceded to reporters that he'd discussed the Enron connection with Rumsfeld and had retained a private attorney, and then pointedly addressed the topic on everyone's mind: "If I ever get to the point where the Enron business represents a major and material distraction...then I wouldn't stay." Most in the room—perhaps even White himself—assumed this to be the groundwork for an impending resignation. Yet several months, and a couple of scandals later, here we were. To the amazement of many, White not only remains in his job; he seems ever less likely to depart.

In early March, as the drumbeat was building for White's resignation, his press officer had called me with an enticing proposition: to travel with the secretary, attend private press conferences, and engage in a series of one-on-one interviews. Any Washington insider understands that such arrangements have symbiotic value. In exchange for special access, I was to be an instrument of White's resurrection—it was tacitly hoped that my portrait of a man on the job would help "change the story" surrounding him. But after having spent time with White and his staff over the past months, as scandals have flared up and receded, one odd fact about the secretary stands out above all else: Perhaps no one is more surprised that Thomas White is still around than Thomas White.

As his example testifies, the culture of scandal that dominated political Washington in the 1980s and 1990s has undergone a swift and radical shift. Under George W. Bush, acts that not long ago would have constituted firing offenses can now be ridden out. This shift has happened so suddenly that most of establishment Washington hasn't quite figured it out. But the Bush administration has, and as with every other political opportunity that has come their way, they are exploiting it masterfully.

Rules of Disengagement

There traditionally have been two kinds of Washington scandal. The first involves an actual violation of the law, like the Watergate burglary, and carries clear consequences—jail time, fines, disbarment. The other embraces those far more common, though more ambiguous, transgressions that fall short of outright felony but still constitute betrayals of the public trust—conflicts of interest, abuses of power, sleeping with one's secretary, or similar activities that bring disgrace to public office. The penalty for such ethical breaches is often no less prescribed than it is for actual crimes: decorous resignation, voluntary or otherwise.

Washington has adhered to this unwritten code for as long anyone can remember. Consider Harold Talbott, the secretary of the Air Force under President Eisenhower. In 1955, Talbott got caught using official Air Force stationery to conduct business for his consulting firm, and referring contracts to an engineering firm in which he was a partner. Talbott maintained—accurately—that he had broken no law. Yet the appearance of impropriety was impossible to ignore. Eisenhower didn't hesitate to oust him. Three years later, Eisenhower's chief of staff, Sherman Adams, was caught accepting the gift of a vicuna coat from a Boston industrialist seeking to curry favor with the administration. Although Adams was a most trusted member of the president's inner circle, he, too, had to resign.

Throughout all the changes in Washington since then, the political world has more or less hewed to this rule of scandal. Indeed, with the flurry of post-Watergate ethics laws, and intensified media competition over the last couple of decades, the trend has been toward less tolerance, not more. Had White made his missteps in any previous administration, he most certainly wouldn't have lasted. In 1993, for example, Roger Altman, the deputy Treasury secretary under Bill Clinton, was forced to resign after failing to fully disclose the number of contacts between the White House and Treasury over Whitewater. Shortly thereafter, David Watkins, a White House administrator, resigned a day after it came to light that he had taken a government helicopter to play golf. Such strictness wasn't limited to Democratic administrations. John Sununu, President George H. W. Bush's chief of staff, was forced out after he was found to have used a government vehicle to attend a rare-stamp convention.

But something changed when George W. Bush became president. The current administration has not lacked questionable behavior: Karl Rove met with Intel executives in the White House even as he held a significant amount of Intel stock; Deputy Interior Secretary J. Stephen Griles, a former coal-industry lobbyist, intervened in an energy-exploration dispute on behalf of former clients; Dick Cheney met repeatedly with energy company officials who appear to have had a strong hand in formulating the administration's energy policy; and, of course, there is White. Yet each

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retains his job. Eighteen months into Bush's term, his only appointee to resign under a cloud is Michael Parker, the former civilian chief of the Army Corps of Engineers, and not over allegations of corruption, but for what this administration views as the one true deadly sin: disloyalty. (Parker publicly criticized the president's budget.) By contrast, two years into the Clinton administration, 10 political appointees had resigned; under the elder Bush, eight; under Reagan, 13. What has changed isn't so much the conduct of officials, but the standards by which they're judged. The "new tone" that George W. Bush brought to Washington isn't one of integrity, but of permissiveness.

The "new tone" George W. Bush has brought to Washington isn't one of integrity, but of permissiveness.

The White Stuff

On the morning of June 19, White was visiting the Army's 10th Mountain Division in Fort Drum, New York. We had flown up on a Gulfstream G-5 (the Army's Air Force One) so that White could be briefed by troops just returned from Operation Anaconda in Afghanistan. As the lights dimmed and the PowerPoint display began, the crunching heavy-metal chords of Metallica's "Enter Sandman" suddenly cascaded from speakers overhead, a fitting accompaniment to a testosterone-driven presentation. White was in his element. Fluent in the language of military acronyms and eager to flaunt it, he interrupted nearly every sentence with pointed questions. Among the roomful of soldiers, unaccustomed to service secretaries with such expertise, the respect was palpable. Afterward, one of them pulled me aside, leaned in close, and earnestly declared, "Secretary White is the shit."

White is more popular with the troops than any secretary in recent memory, a fact that stems from his unusual background. Because the law dictates that the armed services are directly under civilian authority, service secretaries generally fit the mold of men such as White's predecessors Togo West and Louis Caldera, drawn from the world of business, law, or politics with only a tangential connection to the uniform (and are often viewed unfavorably within the Army as a result). White, on the other hand, is a soldier through and through.

Born in Detroit in 1943 to a bus driver and a homemaker, his military career had an inauspicious beginning. By his own admission, he wasn't a rigorous student. When, at the suggestion of an uncle, he applied to West Point, "it took me three times to sneak in the back door," he recalls. His lackadaisical attitude carried over into the academy. Much like Sen. John McCain (R-Ariz.), he was a hard-drinking, fun-loving iconoclast with little regard for rules and procedure—something he takes great pleasure in revealing. "I was not what you'd call a model cadet," he admits; and, like McCain, he finished near the bottom of his class. It wasn't until he graduated in 1967 that his professional prospects improved. He served two tours in Vietnam with the 11th Armored Cavalry Regiment, where he proved himself in combat, opted to make a career of the Army, and rose quickly through the ranks. White served in posts across the United States and Europe, eventually returning to command the 11th Cavalry in the mid-1980s. From there, he went to the Pentagon to the Joint Chiefs of Staff, ultimately serving as Gen. Colin Powell's executive officer and becoming the first in his West Point class to attain the rank of general.

Ask the secretary's staff why he has managed to survive and they'll note, among other things, the advantage his military record affords the administration. Besides being Army secretary, White is the Defense Department's point man on homeland security programs and the acting assistant secretary of defense for special operations and low-intensity conflict. Yet it was his private-sector experience, not his service background, that Bush touted upon choosing him, as part of his campaign to run the Pentagon more like a business. Moreover, Bush's Defense Department hasn't been terribly interested in accommodating the career military. Many of Rumsfeld's civilian subordinates at the Pentagon never served in uniform, and as a group are widely loathed by the brass for scrapping weapons such as the much-maligned Crusader in the interest of "transformation." White may not have been responsible for the pro-Crusader talking points, but his loyalty to the Army certainly hasn't endeared him to Rumsfeld.

For all his success, White had become demoralized by 1990. He agonized over the painful downsizing that appeared inevitable following the demise of the Soviet Union, and told Powell that he was contemplating retirement. "There will be other wars," Powell coun-

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tered. "That's just the nature of the beast." But White, who had other concerns, was not persuaded. "The Army told me I could look forward to moving just about every year," he explained. "Family-wise, with three children, I thought it was the right thing to do, so I headed off to the private sector." Surprising nearly everyone, White ended his 23-year Army career, retiring on July 1, 1990. Exactly one month later, Saddam Hussein invaded Kuwait, sparking the Gulf War.

Soldier of Fortune

The specter of Enron is never far removed from Thomas White these days, evident in the jitteriness of his press aides, the low profile he's adopted since January, and even in the unlikely choice of a painting of the American Museum of Financial History that hangs outside his office. As White tells it, he went to Enron purely by accident. At George H.W. Bush's inaugural in 1989, he bumped into John Wing, an old West Point buddy, who was working in the newly deregulated energy market building electrical power stations. Wing invited his former classmate to join him at the new Texas power company, and the day after he left the Army, White went straight to work. "I never put a resume together. I just kind of walked in the door." He had no particular expertise that fitted him for the job. Instead, White says, "I thought I could bring leadership to an organization that was rapidly growing."

White worked in various capacities during his 11 years at Enron, eventually becoming vice chairman of Enron Energy Services, which specialized in energy privatization, and was, like the rest of the company, committed to remarkably aggressive growth. Enron executives who worked under him say such zeal frequently eclipsed economic judgment, and EES signed contracts it had no clear ability to fulfill. In several cases, it actually *paid out* as much as $50 million to secure contracts with companies like IBM as "a show of faith." One reason for the recent criticism of White is that EES had a practice of booking the profits from these multi-year deals up front, allowing executives like White, whose bonuses were tied to performance, to collect millions of dollars before the company had realized any actual profit. Such practices entailed considerable losses. But, as whistleblower Sherron Watkins testified to Congress, EES was under tremendous pressure to show a profit in 2000, which led White's retail division to hide $500 million in losses by dubiously shifting it to the wholesale division, leaving its balance sheet with a profit of $105 million—but one only concocted by creative accounting. "Nobody with a straight face could say EES was making money," says a former EES official, who still works in the field and requested anonymity. "It had been hemorrhaging money every quarter since its inception." Still, in 2001, White received more than $31 million in salary, bonuses, and stock. "White was paid primarily from incentive-based compensation packages," charges Tyson Slocum, research director for the watchdog group Public Citizen. "Therefore, his salary was being inflated by the fraudulent accounting practices that EES was implementing."

Despite media pressure, White has not yet had to explain the particulars of his service at Enron. But he may have to soon. EES was recently implicated in price fixing during the California energy crisis. And Sen. Dorgan, whose subcommittee is investigating the issue, has announced that he'll call on White to testify sometime in late July. White has adopted a Ken Lay style of defense. "There is a certain sense of betrayal that activities were permitted in the corporation—the off-balance-sheet partnerships and all the rest—that were highly damaging," he told me. "My business unit was retail energy, which has nothing to do with wholesale trading [the unit connected with price fixing], yet I'm the guy who's being called to testify in front of Sen. Dorgan's committee because I'm the senior most public official that will appear in front of a microphone. That's frustrating."

But while those who worked for him in EES don't believe that he was as guilty of wrongdoing as were Lay or Jeffrey Skilling, neither do they accept his professions of ignorance. "White's a good guy," said one official who worked under him at EES. "But at the end of the day, he's a guy who, to be blunt, was never qualified to be a senior executive in the private sector. He was a congenial, pleasant man, but showed no real capability or desire to learn the details or the facts of the deals we were working on. He was openly referred to by the staff as 'Mr. Magoo.'" Said another EES employee: "He was not that dialed in. Organizationally, he's just a mess." And though White has denied that he was ousted, both he and EES chairman Lou Pai were replaced in 2000 by a management team that staffers say was brought in explicitly to clean up the bad deals that were losing EES so much money. Furthermore, even given White's lack of interest in specifics, former employees say it is impossible that the vice chairman of EES could have been unaware that something was amiss. "If the company was losing money every quarter, how did it magically turn around and make a $100-million profit?" wonders one. "Being a nice guy doesn't absolve you of responsibility." The debate over White's culpability boils down to a sim-

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ple proposition that is likely to be put to him—repeatedly—before the Commerce Committee: Either he knew of the malfeasance at Enron and was therefore complicit, or he was ignorant of it and therefore lacked any claim to the business acumen that putatively justified his hiring as secretary of the Army.

Republican Rabbis

So if it isn't business skill or military experience that explains White's unlikely endurance, what is it? What has changed about Washington that allows a serial scandalizer to hold onto his job?

One reason may be that, in this administration, enriching oneself while one's business goes bust isn't necessarily frowned upon. The president himself made a small fortune selling his failed oil company to business friends of his father. The vice president reaped tens of millions of dollars for engineering a disastrous merger at his former company, Halliburton. Indeed, Bush, Cheney, and White are all part of a culture of "crony capitalism" whose resurgence has been quietly accepted in Washington, a culture in which a stint in the private sector is valued mostly as a ticket-punching exercise that allows one to get rich, ride out the time between government jobs, and demonstrate that one really isn't a creature of Washington. To dump White would risk raising questions about this entire way of life.

Another reason that people like White now survive scandals is the extraordinarily self-protective web of contacts and understandings that supports the current administration. When White chose to pursue the secretaryship, one of his first calls was to his old boss, Colin Powell. "The personal networks that underlie all of this—the character and tightness of those networks—has everything to do with [White's survival]," says G. Calvin Mackenzie, a professor of government at Colby College who has co-written, with Michael Hafken, a forthcoming book on executive-branch malfeasance, *Scandal Proof: Do Ethics Laws Make Government Ethical?*. "If you have a 'rabbi' watching over you"—an old term of art for a sponsor and protector—"if you're somebody's guy, then you're much better fortified against an attack. If people start rattling

Who's Who

BY SUSAN THREADGILL

World Cup fever apparently never reached the White House. Shortly before the United States' historic triumph over Mexico, Mexican President **Vicente Fox** sent an invitation to President **George W. Bush**, who was in Crawford, Texas, suggesting they watch the game together at a neutral location on the border. No dice, came the reply from a Bush staffer: The president would be asleep at kickoff (2:30 a.m. EST).

Now that **Ralph Nader** has put **George W. Bush** in the White House, the **Green Party** is turning its attention toward helping the GOP take back the Senate. Greens in Minnesota have inexplicably targeted the Senate's most progressive Democratic member, **Paul Wellstone**, who faces a strong challenge from former St. Paul mayor **Norm Coleman**. The Green candidate, **Ed McGaa**, is even more of an oddball than might be expected—so much so that one party member admitted to *The Progressive*'s **Ruth Conniff** that the Greens knew almost nothing about him when they nominated him: "Unfortunately, we're just finding out," he said. Turns out McGaa's pro-military, pro-hunting, meat-eater résumé doesn't quite square with the Green Party platform.

In 1992, after environmentalists lampooned his attempts to campaign as the "environmental candidate," **George H.W. Bush** hastily flew to Rio de Janeiro to attend the first U.N. Earth Summit—where he promptly refused to sign international treaties on biodiversity and global warming. Ten years later, **George W. Bush**, under growing fire from Democrats for his environmental record, must decide whether to attend the 2002 Earth Summit in late August. More than 45 world leaders will convene in Johannesburg, South Africa, to contemplate new international agreements on sustainable development. Luminaries include British Prime Minister **Tony Blair**, Mexican President **Vicente Fox**, Canadian Prime Minister **Jean Chretien**, German Prime Minister **Gerhard Schroeder** and French President **Jacques Chirac.** Japanese Prime Minister **Junichiro Koizumi** is said to be considering, as is Russian President **Vladimir Putin**, who may be there to celebrate Russia's anticipated ratification of the Kyoto Protocol.

The administration has stat-

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your cage and your rabbi can protect you, you stick around longer." Current and former Pentagon officials report that even those eager to see White go are conscious of his standing with Powell and the difficulty this poses to removing him.

On a broader scale, this dynamic helps to explain why so few Bush officials have been forced out. Both Clinton and Reagan struggled to assemble reliable staffs in part because their party had been absent from power. "But when Bush was elected, there was a whole team ready to be brought in off the sidelines," says Ed Hughes, who worked in Clinton's counsel's office. By contrast, says a former top Clinton official, "The early Clinton years were the original amateur hour. There was no understanding of how you protect your own people, so they simply got jettisoned."

Yet another reason—obvious, when you think about it—is that the Bush administration is the first in more than 25 years that doesn't have to contend with the independent-counsel law, which Congress let expire in 1992 (reviving it in '94 to pursue Hillary and Whitewater) and again in '99. Between 1979, when the first independent counsel was appointed to investigate alleged drug use by President Carter's chief of staff, Hamilton Jordan, and 1998, when the last was named to look into charges of influence peddling by Clinton's labor secretary, Alexis Herman, independent-counsel investigations prompted scores of resignations (though significantly fewer convictions). It's hard to imagine that Enron would not have prompted such an investigation, or that an independent prosecutor wouldn't have targeted White, if for no other reason than to extract evidence to use against his superiors.

Even in the absence of independent-counsel inquiries, administration officials in questionable positions have often been forced to resign by aggressive congressional investigations. But here, too, something fundamental has changed. The Republican-controlled House has no incentive to pursue members of the Bush administration, and the Democratic-controlled Senate appears to lack the nerve. At the height of February's congressional chest-thumping over Enron, when lawmakers announced 13 different hearings on the matter, no one had the temerity to demand White's

ed that Bush won't attend, and certainly isn't going to let EPA Administrator **Christine Whitman** run amok with so many European environmentalists. Instead, the U.S. will be represented by Undersecretary for Global Affairs **Paula Dobriansky**—the equivalent of sending a *Washington Monthly* intern to interview the president. Dobriansky was previously the host of an international affairs show on **Paul Weyrich**'s National Empowerment Television and a senior vice president at the Council on Foreign Relations. Hoping to join her are presidential hopefuls Sen. **John Kerry** (D-Mass.) and **Joseph Lieberman** (D-Conn.), and self-styled environmentalist Sen. **James Jeffords** (I-Vt.), along with environmental foes Sen. **Chuck Hagel** (R-Neb.) and Sen. **Larry Craig** (R-Idaho), who attended the international climate negotiations at The Hague in 2000.

The Ohio Ethics Commission is investigating former independent counsel **Kenneth Starr** for his dual role as special counsel and fundraiser for Ohio Attorney General **Betty Montgomery**. Starr is defending Cleveland's school voucher law, but also raising money for Montgomery's re-election campaign. He stands to earn as much as $125,000 in state legal fees, prompting the commission to examine the propriety of fundraising for a public official while on the public tab.

During the 2000 vice-presidential debate against Sen. **Joe Lieberman**, **Dick Cheney** touted his experience running the energy company Halliburton. "I've been out in the private sector building a business, hiring people, creating jobs," boasted the future V.P. Now comes the news that Cheney's management of a 1998 merger with Dresser Industries yielded less-than-stellar results. Halliburton's stock has plummeted from $52.28 (when Cheney sold his shares), to $18.55. As for "job creation," the company fired 10,000 workers.

When **Bono** recently toured Africa with **Paul O'Neill**, the U2 star hoped to impress upon the treasury secretary the dire straits in which the Dark Continent finds itself. But a few elements of the trip seemed plucked from an **Evelyn Waugh** novel. For example, the entourage's hotel on the first night, the Royal La Palm, which features Ghana's largest swimming pool, cost more per suite than the country's annual per-capita income.

Photo credit: Nicholas Thompson

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testimony; Dorgan only summoned him in July. And those Democrats who are investigating White don't pretend to match the Republicans' doggedness against the last administration. "Part of it is that we've been on the other side of this, we've seen the way the Republicans treated the Clinton administration," says a Democratic House aide. "Every minor allegation that came out, whether substantiated or not, was followed by a firestorm of people calling on administration officials to resign." To date, not a single Democrat has so called upon White.

"As long as they're hitting you on Enron, they're not hitting me," Bush told White. "That's your job. You're the lightning rod for this administration."

So it isn't hard to understand the confidence with which White's staff views Sen. Dorgan's hearing. "If they want us to come up there and explain how energy markets work, the secretary would be happy to give them a lesson," says Charles Krohn, White's top press aide.

That White has lasted so long is also partly explicable by the fact that Bush operates in a different media environment. The sharpest calls for White's resignation have come from "liberal" editorial pages like those of *The New York Times*, which would have sent earlier administrations scrambling, but which this one is willing (often gleefully) to ignore. And after hyping Clinton scandals for eight-plus years, the establishment press has so diluted the currency of corruption charges that more and more people simply ignore them.

The Bush administration also enjoys broader leeway because it is free of the "vast right-wing conspiracy"—the subsidized scandal-mongering, talk radio, and attack journalism that has no equivalent on the left to fetishize White's travails as conservatives did those of Vince Foster and Webster Hubbell.

White and his colleagues have also benefited from media preoccupation with other stories. "Scandals become big stories when there's no news competition," says Mackenzie. "The biggest occur at the slowest news times." And though White's troubles, and especially Enron's, have received considerable attention even in the midst of war, the steady flow of important news from elsewhere in the world obviates the sort of blanket scandal coverage that forces an administration to act.

Post-Scandal Zeitgeist

There is one more change in Washington that the Bush administration has exploited—a gift from Bill Clinton. For while early in his presidency Clinton may have unwittingly accelerated the scandal culture by too readily sacrificing officials who had come under fire, in his second term he demonstrated, during the Lewinsky flap, that steadfastly refusing to bow to his opponents can pay off. Bush has applied this lesson to his own style of governance, strengthening a protectiveness he showed as governor of Texas. "There is an element of pridefulness at work that doesn't acknowledge or permit these things to come into play," says Bruce Buchanan, a political science professor at the University of Texas in Austin.

Even these changes in the culture of Washington scandal, however, don't fully explain White's continuing presence. At some point, won't he become too big a political liability? I put that question to one of his closest aides, who told me an amazing story: During a trip to West Point on June 1, Bush pulled White aside for a private talk. "As long as they're hitting you on Enron, they're not hitting me," said Bush, according to this Army official. "That's your job. You're the lightning rod for this administration."

Bush may benefit from keeping White in the job, but White's ability to perform it has clearly diminished. And he himself has said he would step down if he could no longer function as the public face of the Army. But since January, he has declined interview requests from every major network. "Whenever he opened his mouth, they'd write about Enron," explains Col. Joseph Schroedel, White's executive officer. "He was having a hard time getting the Army's story out. So he stopped talking to the media."

White is the most obvious beneficiary of the new, post-scandal Zeitgeist. But he's probably not the last. Indeed, if he survives, he'll establish a precedent. It's difficult to see why future appointees would feel compelled to resign if White doesn't have to. If the old Washington culture sometimes forced good people out for minor infractions, the new one tips the balance the other way. And for the current administration, that is very good news. ●

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Tipping the Scale

President Bush picks judges based on ideology—so why shouldn't senators reject them for it?

BY DAWN JOHNSEN

IN 1993, U.S. DISTRICT COURT JUDGE D. Brooks Smith gave a speech to the Pittsburgh chapter of the conservative Federalist Society in which he promoted a strikingly narrow interpretation of the Constitution. Smith declared that "[t]he Framers' primary, if not sole" intent in vesting in Congress the power to regulate interstate commerce through the Commerce Clause was "to permit the government to eliminate trade barriers." And he went on to suggest that this narrow original intent should guide how it is interpreted today.

While it may sound like a point of legal arcana, Smith's view, taken to its logical conclusion, would contradict more than 50 years of U.S. Supreme Court case law, including landmark decisions that upheld the 1964 Civil Rights Act and provide the basis for many modern federal human rights, environmental, and public safety laws. Perhaps not surprisingly, Smith's judicial rulings have proven just as controversial since President Ronald Reagan appointed him to the court in 1988, evoking harsh criticism for, among other things, failing to protect individual rights.

Smith's ideas may be extreme, but they are shared by a cadre of judges whom Presidents Reagan and George H.W. Bush placed on the federal bench. President George W. Bush is now trying to elevate some of these same judges from the lower district courts to the higher appellate courts. In fact, Bush has nominated Judge Smith for a seat on the U.S. Court of Appeals for the Third Circuit, whose decisions can only be reversed by the Supreme Court, currently controlled by a conservative majority.

Smith's nomination, and many others pending before the Senate, presents a centuries-old question: What role should a judicial nominee's legal philosophy and views play as the Senate fulfills its constitutional role in confirming federal judges? How troubling must a senator find a nominee's views before casting a negative vote?

To hear Republicans tell it, senators shouldn't take into account such factors as the details of one's judicial philosophy or views on particular legal issues. (If they do so, critics accuse them of "Borking.") Former Reagan and Bush administration officials Douglas Kmiec and C. Boyden Gray both testified to this effect last year before a subcommittee of the Senate Judiciary Committee. Gray put it most succinctly: "Should ideology matter? I can answer in one word: No."

Of course, ideology was precisely the reason GOP senators often gave for blocking President Bill Clinton's nominees, declaring them to be too "liberal." It is an odd sort of hypocrisy: President Bush recently renewed his pledge to continue to appoint "conservative" judges in the model of Justices Antonin Scalia and Clarence Thomas. What at least some Republicans seem to have in mind is a constitutional double standard that would allow only a Republican president to consider the views of judicial nominees—and not a Democrat-controlled Senate.

Democratic senators are looking closely at some of President Bush's most controversial nominees, with mixed results. On one hand, they united in opposing

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the elevation of Judge Charles W. Pickering to the Fifth Circuit. On the other hand, after close questioning and examination, Democrats on the Senate Judiciary Committee split on Judge Smith, with three voting in his favor after he largely disavowed the implications of his Federalist Society speech on the Commerce Clause.

As senators consider the role nominees' legal philosophy and views ought to play in their confirmation, they should keep one important factor in mind: the concerted strategy developed by Republicans during the Reagan administration to radically remake the federal judiciary based on conservative ideology. This is a familiar story to many people. I, for one, worked at progressive public-interest organizations during the Reagan and Bush administrations, and later in the Justice Department during the Clinton administration. But only recently, while studying some Reagan-era Department of Justice publications, did I come to appreciate the extraordinary extent to which the Reagan administration in particular devised the blueprint and laid the foundation for the federal judiciary's current activism and ideological conservatism.

Several documents prepared by the Reagan Department of Justice in 1988—the same year Judge Smith was appointed to the bench—flatly contradict the current Republican line about disregarding ideology. Largely unknown and unexamined by the public before now, these official government reports state that nominees' views on particular legal issues are in fact "critical"—and not just for the president, but also for the Senate (to view these documents, visit www.washingtonmonthly.com). What's more, they suggest that the use of ideology in judicial selection was a deliberate strategy in an organized Reagan administration effort to change the way the courts interpret the Constitution—a strategy pursued with stunning success.

Strict De-Constructionists

When Reagan took office in 1981, his disdain for what he saw as an "activist" federal judiciary was well known. He believed that several decades of Supreme Court rulings under Chief Justices Earl Warren and Warren Burger (as well as congressional action during those same years) had inappropriately shifted power from the states to the federal government, and expanded the welfare state and individual rights.

In his first inaugural address, he declared: "It is my intention to curb the size and influence of the federal establishment and to demand recognition of the distinction between the powers granted to the federal government and those reserved to the states or the people." His long list of specific complaints went beyond constitutional issues that clearly involved federal versus state power. At the top of his list, for example, was the Supreme Court's protection of women's right to choose abortion, which he claimed deprived the states of their right to outlaw the practice to protect the unborn.

Once Reagan took office, he began seeking to remake the judiciary—and through it, constitutional doctrine—by appointing judges who held the views and values he desired. That Reagan, and later George H.W. Bush, considered judicial philosophy in making judicial appointments is no surprise. They openly proclaimed their commitment to appointing "strict constructionists" who would "interpret, not make" law.

What was not widely known at the time is that the Reagan administration devised and employed extremely detailed blueprints setting forth what it believed the law should look like and also how it would go about changing the law to conform to its preferred constitutional vision.

For presidents to adopt independent constitutional positions is neither unprecedented nor necessarily inappropriate. Both the president and Congress can be important contributors to the development of constitutional meaning, for good and ill. Presidents can provide important voices when the court gets it wrong. Famous examples include Thomas Jefferson's opposition to the Sedition Act of 1798, Abraham Lincoln's opposition to the Dred Scott decision, and Franklin Delano Roosevelt's opposition to the court's invalidation of his New Deal legislation.

But the Reagan effort was astonishing in its breadth and detail. The Office of Legal Policy—the same office at the Department of Justice that advised Reagan on judicial selection—issued a series of official reports that developed independent administration positions on numerous legal issues. Those views were often at odds with then-prevailing Supreme Court interpretations. Rarely has any president sought to advance such comprehensive constitutional views in direct conflict with those of the Supreme Court.

One 1988 report, "Guidelines on Constitutional Litigation," instructed Justice lawyers on the administration's view of the proper interpretation of the Constitution on a wide range of issues—abortion, affirmative action, and congressional power, to name just a few. The guiding principle behind all consti-

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tutional arguments by government attorneys was henceforth to be the idea of "original intent"—the legal view, favored by more extreme conservatives, that would drastically narrow many individual rights and governmental powers granted under the Constitution. A section entitled "Guidelines on Respecting the Limited Power Granted to the Federal Government," for example, directed litigators to urge the courts to adopt new limits on Congress' power to enact legislation.

The Supreme Court adopted a broad view of Congress' power to regulate interstate commerce in 1937, after a disastrous period in which the court had invalidated numerous progressive federal laws designed to protect the health, safety, and economic well-being of workers and regulate the failing economy. Since that time, Congress has relied on what generally is referred to as its "commerce power" as the basis for many diverse statutes, from civil rights and environmental protection laws, to federal drug laws and other criminal statutes.

Most famous among these cases is the court's 1942 opinion in *Wickard v. Filburn*, which upheld Congress' power to limit a farmer's production of wheat for home consumption because of the possible cumulative effect of all home consumption by farmers on the interstate market for wheat. Two decades later the court unanimously upheld the 1964 Civil Rights Act's ban on racial discrimination by certain private establishments, including restaurants and hotels, as a valid exercise of Congress' commerce power. There was sufficient effect on interstate commerce, the court held, because some of the food sold in restaurants such as Ollie's Barbecue in Birmingham came from out of state, and also because African Americans, when denied access to hotels and restaurants, would consequently spend less money on interstate travel.

The Reagan "Guidelines" acknowledged that a longstanding body of precedent supported an exceedingly broad view of Congress' power under the Commerce Clause, and then set out to change that. The report instructed government lawyers to urge the courts to adopt a much narrower view of Congress' commerce power and suggested possible avenues for limitation (also the subject of Judge Smith's Federalist Society speech).

Even more critical of the court is a section of the "Guidelines" on Congress' power under the post-Civil War 13th, 14th, and 15th Amendments, each of which vests in Congress the authority to enforce its provisions by "appropriate legislation." The Reagan Justice Department declared the court was wrong in suggesting, in a series of opinions beginning in 1966, that Congress had a role in helping to define the substantive guarantees and applicability of these amendments. The targeted cases included challenges to Congress' authority to enact voting-rights legislation that prohibited states' use of literacy tests as a way of limiting who was eligible to vote.

Reagan Justice Department documents flatly contradict the current GOP line that senators shouldn't consider a judicial nominee's ideology.

These guidelines were essentially a list of targets. Each section ended with a critique of what the Reagan administration labeled "inconsistent" Supreme Court decisions. *Wickard v. Filburn* and other congressional power decisions made the list, as did landmark decisions of the court on other issues, including:

- *Miranda v. Arizona*, which required the police to advise suspects in custody of their rights before beginning interrogations.
- *Sherbert v. Verner*, which protected the free exercise of religion from governmental burdens such as conditioning unemployment benefits on a requirement that the recipients work on their Sabbath.
- decisions protecting rights of liberty and privacy in choices regarding childbearing, including not only abortion and *Roe v. Wade*, but also the right to use contraception (*Griswold v. Connecticut*) and the right to be free from government-mandated sterilization (*Skinner v. Oklahoma*).

The Reagan plan didn't merely identify these "inconsistent" Supreme Court precedents. It sought to change them. The Justice Department's guidelines directed government litigators to urge the federal courts to adopt the administration's legal views. At the same time, Reagan focused on transforming those courts to make them more sympathetic through the appointment of judges who shared his views and who, through their rulings, would trans-

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form the meaning of the Constitution.

Closet Ideologue

To that end, the Justice Department issued a second report in 1988, "The Constitution in the Year 2000: Choices Ahead in Constitutional Interpretation," a 199-page guide to selecting and evaluating prospective judges, especially Supreme Court justices. This report explicitly affirmed the Reagan administration's position that judicial selection was a "critical" factor in what the Constitution (and the nation) would look like a dozen years hence: "There are few factors that are more critical to determining the course of the Nation, and yet are more often overlooked, than the values and philosophies of the men and women who populate the third co-equal branch of the national government—the federal judiciary."

George W. Bush is clearly seeking to continue the legal rollback that has been gathering force since Reagan entered office.

Each of the 15 chapters analyzed a major constitutional controversy, "the resolution of which is likely to be sharply influenced by the judicial philosophies of the individual justices who sit on the court." Among the diverse issues covered: the right to privacy, the rights of criminal defendants, the Takings Clause and property rights, rights of sexual orientation, separation of powers issues, the scope of the Equal Protection Clause as applied to racial minorities and aliens, and First Amendment issues of religion and freedom of association.

Though some Republicans today claim that judicial nominees' views are not fair game for senators, the Reagan administration unmistakably believed otherwise: "[I]t is hoped that this report will allow Members of Congress of both parties, pursuant to their constitutional responsibilities, to assess judicial nominees in the most thorough and informed manner possible."

What's more, this approach continued through the first Bush administration. In 1990, then-White House counsel C. Boyden Gray was asked how the judicial selection process for President Bush would compare to that of President Reagan. Gray responded, "It's structured a little differently, but the result is very much the same." According to *The New York Times*, Gray said the aim "is to shift the courts in a more conservative direction."

The "Federalism Five"

Just as remarkable as the existence of these detailed goals and strategies is how effective they have proved, with the promise of more to come. Among the greatest "successes" to date are recent Supreme Court rulings that impose substantial limits on a cornerstone of our democracy and freedom: Congress' power to enact legislation.

Beginning in 1995, a bare five-justice majority broke with more than 50 years of Supreme Court precedent that upheld broad congressional power. In *United States v. Lopez*, the court struck down the Gun-Free School Zones Act, which relied on the Commerce Clause to make bringing a gun into a school zone a federal offense. The court ruled that Congress had exceeded its authority and was infringing on the states' rights to police themselves.

Over the vigorous dissents of four justices, the "federalism five" have begun what some prominent scholars describe as a "constitutional revolution" that would radically shift power away from Congress and to the states. This new direction threatens to sharply constrain the ability of elected representatives in Congress to enact federal legislation that most Americans take for granted: protecting basic human rights, the environment, and other issues that need to be dealt with on a national scale. Contrary to the usual conservative demands for a strict interpretation of the Constitution, the Rehnquist court has created new legal doctrines out of whole cloth and narrowed many of Congress' most important powers under the Commerce Clause, and also under the 13th, 14th, and 15th Amendments, which, among other things, abolished slavery, guard against state-sponsored race and sex discrimination, and guarantee the right to vote regardless of race.

Among the diverse federal laws the court has invalidated just in the last seven years are significant portions of:

- the Americans with Disabilities Act and the Age Discrimination in Employment Act, which would have allowed employees in state universities as well as government to recover damages when their

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state employers unlawfully discriminated on the basis of disability or age.

• the Violence Against Women Act, which would have allowed the victims of rape and other gender-motivated violence to sue their attackers.

• the Brady Act, which directed local law enforcement officers to do background checks for possible criminal convictions of prospective gun purchasers.

The Rehnquist court, commonly recognized as ideologically conservative, is, ironically enough, also the most judicially activist in generations. No other Supreme Court has invalidated more federal statutes since the early 20th century, when the court infamously struck down such measures as laws barring child labor. And, of course, the Rehnquist court also is noteworthy—to many, notorious—for its direct role in resolving a presidential election in the way likely to lead to a strengthening of the court's new direction.

Appointments to the lower federal courts also are tremendously important to the protection of legal rights and the development of constitutional law. The Supreme Court reviews just a small fraction of the decisions of the federal courts of appeal—only about 100 cases a year—so typically the circuit court provides the final word. Even when the Supreme Court does take a case, it is often to resolve conflicting decisions among the circuit courts, with a lower federal court providing the constitutional theory that the Supreme Court ultimately adopts.

Take, for example, the court's recent decisions narrowing Congress' power to enact laws. Fourth Circuit Judge J. Michael Luttig (appointed by President George H. W. Bush) authored the lengthy opinion—later affirmed by the Supreme Court—that invalidated a significant provision of the Violence Against Women Act. Seeking later to build on that narrow interpretation of the Commerce Clause, Judge Luttig dissented in a case in which he would have drastically diminished the ability of the federal government to protect endangered species.

On other issues, the lower courts sometimes have gone further in rejecting settled precedent than even the Rehnquist court has been prepared to follow. Another Fourth Circuit judge, Karen J. Williams (also appointed by the first President Bush), authored an opinion setting the stage for an overruling of *Miranda* (a decision, you'll recall, targeted by the Reagan Justice Department). But only two justices—George W. Bush judicial exemplars Scalia and Thomas—ultimately voted to affirm that opinion.

Appointments with Destiny

It is not yet clear how far the Supreme Court will go with this radical restructuring of the constitutional allocation of powers and rights. The court's decisions to date call into doubt Congress' ability to protect many individual rights and national interests, from anti-discrimination laws to the environment.

What is clear is the source of this change. The Rehnquist court's new direction tracks many of the same changes in constitutional law advocated in the 1988 reports of the Reagan Justice Department. And of the five justices in the Rehnquist majority, Presidents Reagan and Bush appointed four and elevated the fifth to chief justice. A generation ago, the Reagan administration devised a plan to revolutionize constitutional doctrine. The Reagan revolution is fast becoming the Rehnquist revolution.

This revolution is a work in progress. On some issues, the Reagan vision has not been fully realized—at least, not yet. Most notable is the goal of convincing the Supreme Court to overrule *Roe v. Wade*. The court just two years ago invalidated a restrictive state abortion law, but only by a slim 5-to-4 margin.

That balance could soon tip. George W. Bush clearly is seeking to continue the rollback that has been gathering force since Reagan entered office, a phenomenon that today seems too little understood. Some senators, Democrats as well as moderate Republicans, seem to be struggling over the extent to which they should consider the judicial philosophy and views of Bush's nominees. But Republicans have had no such qualms. The Reagan-era documents confirm a longstanding, carefully crafted plan to use judicial appointments to radically reinterpret the Constitution and remake the country. The suggestion today that the Senate should not carefully review nominees' specific legal views represents the next stage in their efforts to transform the federal judiciary.

The Constitution makes no distinction between the considerations that the president and senators may take into account in exercising their roles in the appointment process. Senators must heed the lessons of our recent past. Those who do not share President Bush's constitutional views or support his efforts to fill the federal courts with like-minded judges should exercise their constitutional authority to provide balance and moderation in our federal judiciary. ●

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Clearing the Air

Why I quit Bush's EPA.

By Eric Schaeffer

Just after the 2000 election, while the nation's attention was focused on the Florida recount, my colleagues at the Environmental Protection Agency and Justice Department celebrated a dramatic victory of their own. Two of the country's largest utilities had just agreed to cut pollution from their old, coal-fired power plants by two-thirds, or more than half a million tons a year. As director of the EPA's Office of Regulatory Enforcement since 1997, I helped to bring lawsuits against some of the nation's largest electric utilities. The government charged these companies with violating the Clean Air Act by expanding their coal-fired electric plants without controlling emissions such as nitrogen oxide and sulfur dioxide—noxious gases that cause smog, asthma, lung cancer, and premature death. The post-election settlement with Cinergy and Dominion was a landmark, pressuring other companies to follow suit and clean up their act as well.

Unfortunately, Washington's energy lobbyists understood this dynamic all too clearly. And when President Bush assumed office, they wasted little time blocking this new momentum toward cleaner air by persuading the administration that the problem wasn't the polluters, but our anti-pollution laws. It wasn't a hard sell. The Bush administration quickly set about weakening the Clean Air Act, stoking public fears of energy shortages and blackouts as a rationale for leniency (even though 2001 was a record year for power plant expansion). White House staff and the Energy Department, working closely with lobbyists for the same companies we had sued, directed EPA to expand loopholes that allow 40- or 50-year-old power plants to continue pumping out 12 million tons of sulfur dioxide a year, without implementing modern pollution controls. What's more, in March, EPA Administrator Christine Whitman shocked everyone by publicly suggesting that companies hold off on settlements pending the outcome of litigation. Not surprisingly, Cinergy and Dominion backed out of their agreements and refused to sign consent decrees. (Recently, the administration rolled out a series of "reforms" making it so easy for these big plants to avoid pollution controls that they might as well have been written by defendants' lawyers.) A year and a half later, nothing has improved, and the opportunity for cleaner air that once seemed so close has been lost—the other companies, once on the path to settlement, have drifted away from the negotiating table.

In a matter of weeks, the Bush administration was able to undo the environmental progress we had worked years to secure. Millions of tons of unnecessary pollution continue to pour from these power plants each year as a result. Adding insult to injury, the White House sought to slash the EPA's enforcement budget, making it harder for us to pursue cases we'd already launched against other polluters that had run afoul of the law, from auto manufacturers to refineries, large industrial hog feedlots, and paper companies. It became clear that Bush had little regard for the environment—and even less for enforcing the laws that protect it. So last spring, after 12 years at the agency, I resigned, stating my reasons in a very public letter to Administrator Whitman.

Enforcing environmental laws has never been easy. Even in the Clinton administration there were bureaucratic turf battles, truculent congressmen, and relentless industry lobbyists to contend with. But hard work yielded progress; the job was sometimes a headache, but I never doubted that we were having a positive effect. Under Bush, the balance has shifted, to a degree few outside the bureaucracy may realize.

The administration's most obvious assaults on the environment have drawn fire. The press and environmental groups attacked recent EPA rule changes that allow coal-mining companies to dump waste in valleys and

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streams, and when the EPA last year overturned Clinton-era regulations to reduce arsenic in drinking water, the public reaction was so intensely negative that Whitman eventually backed off. But these public efforts to roll back regulations are only half the story. Behind the scenes, in complicated ways that attract less media attention (and therefore may be politically safer), the administration and its allies in Congress are crippling the EPA's ability to enforce laws and regulations already on the books. As a result, some of the worst pollution continues unchecked.

EPA Administrator Christine Whitman

Gorsuch to Gore

This is not the first time this has happened. More than 20 years ago, President Reagan appointed Ann Gorsuch to head the EPA with the understanding that she would weaken the newly created agency's ability to oversee industry. As part of that campaign, Gorsuch scattered the staff of the enforcement office among various other programs, virtually eliminating its ability to keep polluters in check. She and her deputies were so ham-handed in their efforts—which led to such embarrassments as the conviction of Rita Lavelle, the head of the hazardous waste program—that the White House bowed to public pressure and unceremoniously dumped her. A period of détente followed. Though resources were never adequate, the Reagan administration—no doubt chilled by the watchful eyes of Democratic committee chairmen—generally seemed to accept that political appointees should not bow to industry requests to call off investigations.

Nearly a decade ago, the Democrats took the White House and decided to consolidate the enforcement program into one office. Part of the goal, which matured over time, was to strengthen the EPA's ability to look for patterns of violations across entire economic sectors. The conventional wisdom held that most companies complied with environmental laws on their own, and only a few bad apples fell off the tree now and then. But that model did not square with some of our investigations, where we found that diesel engine manufacturers, power plants, refineries, large animal feeding operations, and others were rather systematically ignoring the law. This is not to say that corporations are inherently evil; they simply follow the economic path of least resistance and are likely to cut corners where government oversight is lacking.

The second change under Clinton, inspired by Vice President Gore and his staff, was a new campaign to "reinvent" government. Partly as a reaction to the Republican takeover of Congress, but also out of a genuine desire to find less bureaucratic ways of solving public problems, the EPA embarked on an ambitious endeavor to "reinvent" its regulatory and enforcement programs, trying to cut red tape and give industry more flexibility in how it chose to meet performance goals. We combined this with a strong enforcement program to keep polluters accountable for their behavior. This new approach frequently suffered from incoherent objectives, haphazard leadership, and a decentralized structure that made managing anything like herding cats. But as messy and inefficient as it sometimes was, this two-pronged approach led to some real creative tension. For example, we were able to move quickly to eliminate penalties for companies that voluntarily discovered, reported, and corrected all but the most serious violations, which allowed us to concentrate our resources on major investigations. We also reached a novel settlement with 27 oil refiners, mak-

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ing up about one-third of the industry, which freed them up to experiment with new, money-saving technologies while meeting strict emission limits. It was the best of both worlds. Not only did refineries save money, we also reduced their pollution level.

Despite these successes, enforcement officials could see a storm brewing as far back as the late 1990s. To suggest that entire industries were systematically violating the law—as EPA has done in the cases of auto manufacturers, power plants, and large animal feedlots—was a marked change from the seemingly random interventions that had previously made up EPA's docket. Not surprisingly, the business community was furious, and we knew that many of them were among the most zealous supporters of George W. Bush's presidential campaign. Even as we won the long-sought-after settlements with coal-fired utilities during the recount, I feared for the worst. And when President Bush assumed office, my fears were quickly realized.

Leaderless Sabotage

The Bush administration faced a dilemma: How do you mount a stealth attack on environmental protection without making the most obvious mistakes of the Reagan-Gorsuch era? The first step was to appoint as EPA administrator Christine Whitman, who provides a moderate face, but already had a reputation for gutting anti-pollution enforcement programs while she was governor of New Jersey. Another was to leave the enforcement program rudderless: 18 months into his term, Bush has not yet filled the top EPA enforcement job (his first nominee, Donald Schregardus, withdrew amid criticism of his record running Ohio's program). Leaving the job unfilled not only deprives the staff of leadership, but also robs the administration's critics of an actual person to blame for poor performance. Bush political appointees in the White House and EPA quickly took up the many other ways of thwarting enforcement without drawing attention. Here are a few of their tricks:

SHRINK THE POLICE FORCE. Environmental law, just like any other, is a dead letter if not enforced. The Bush administration's first step was weakening the government's ability to uncover violations of important requirements like tailpipe emission standards. Each year, about 25 million tons of smog-causing nitrogen oxide is released into the air, about half of it from cars, diesel trucks, and construction equipment. For several years, the diesel engines of large long-haul trucks have been required to meet emission standards with catalytic converters that clean exhaust gases. But manufacturers realized that they could beat the system by developing catalytic converters that would run properly during EPA tests, but whose pollution controls could be turned off on the highway. In November 1998, EPA settled with nine diesel engine manufacturers—practically the entire industry—forcing the companies to spend about $1 billion to phase out these illegal engines. It was a textbook example of how enforcement is supposed to work: The settlements will eliminate about 1.3 million tons of illegal emissions a year, or about 10 percent of the total nitrogen oxide pollution from mobile sources. But winning a settlement like that takes thousands of hours of staff time, and Bush's Office of Management and Budget knows it. Cutting the enforcement budget by 13 percent, as President Bush has proposed, would hobble the EPA's ability to uncover and stop such malfeasance.

DIVIDE AND RULE THE BUREAUCRACY. Because the Bush crowd doesn't like enforcement, they won't hesitate to take advantage of the institutional tension between program managers and EPA's enforcement staff. When industry (or its administration backers) feels persecuted, it complains to the program managers, who in turn give us an earful. Under Clinton, we were usually able to push back when we had to; if we declared something to be an enforcement matter, we'd often win the day. A good example of how the balance has shifted is the way the Bush administration stopped enforcing agricultural pollution regulations. American agriculture is big business, comparable in scale to the refineries and steel plants that typically occupy the EPA's enforcement program. Most of the pork, beef, and poultry that Americans consume comes from factory farms where huge numbers of animals are massed together, creating waste that is widely recognized as one of the greatest threats to water quality. A large corporate hog farm churns out as much nitrogen-rich waste as a city the size of St. Louis—but without any wastewater treatment. In addition to fouling creeks and contaminating groundwater, studies show that gaseous ammonia, hydrogen sulfide, and other pollutants create serious respiratory problems for people living nearby. Few of these companies bother to obtain the required permits. So during the Clinton administration, the enforcement staff began cracking down, insisting, for example, that big hog farms monitor air emissions at sites where we had complaints. Yet when Bush officials took over, my office was asked to stop enforcing air pollution laws against waste lagoons and barns at factory farms, in favor of "voluntary studies," promoted by program bureaucrats.

PACK THE COURTS. Like most conservatives, Bush understands the importance of packing the judiciary

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with right-wing jurists, as his predecessors did from 1981 to 1993 (see "Tipping the Scale," page 15). A look at just one case illustrates how a conservative court can shrink the laws meant to protect the environment. Not long ago, the EPA tried to stop developers from using a tricky technique that undermines the Clean Water Act, which prohibits the filling of wetlands. Unscrupulous developers had learned they could simply drain thousands of acres of this ecologically valuable habitat by using perforated, triangular-bladed plows that punch drainage ditches into swamps. Once the swamps have been drained, they're no longer a "water of the U.S." protected by federal law. When the D.C. Circuit Court of Appeals (which has become a platform for judicial conservatives) upheld this practice, it spurred a gold rush of development in sensitive coastal areas like the Great Dismal Swamp. Developers drained about 20,000 acres of wetlands in the short space of a few months before the EPA began arguing that the sediment-choked water rushing off these drainage sites and into nearby streams violated other provisions of the statute.

Behind the scenes, in ways that don't attract media attention, the Bush administration is crippling EPA's ability to enforce environmental laws already on the books.

TURN LAWMAKERS INTO LOBBYISTS. Bush will be able to count on the help of congressional right-wingers who love law and order, except when it upsets their campaign contributors. In August 1994, under a Democratic Congress, I was hauled before the majority staff of the Energy and Commerce Committee and warned not to give in to industries lobbying for "privilege" laws that shield evidence from environmental prosecutors. We had no intention of doing so, since in its most extreme form these privilege laws would make it easier for a company to hide evidence of criminal violations like deliberately dumping toxic waste down a drain, just by claiming the problem had been fixed. Six months later, following the Republican takeover, the EPA was attacked by the new majority for successfully rejecting privilege laws (they ultimately held no less than five hearings on this subject). Overnight, the EPA became "jackbooted thugs," in Tom DeLay's famous construction. The oversight roles were reversed. Suddenly, Congress was attacking us for too much enforcement, not too little.

Individual congressmen have always gone to bat for local industries; but after the 1994 GOP takeover of Congress, it suddenly became acceptable for lawmakers to interfere aggressively in the enforcement process on behalf of constituent polluters, to a degree unheard of a decade ago. This trend has encouraged lawmakers to step in and act as defense lawyers on behalf of home state industries or political contributors. In my favorite example, last year we received identical form letters from more than 20 different members of Congress within a two-week period, parroting the sound bites that industry lobbyists used to persuade the Bush administration to stall enforcement actions against utility companies. These members, too lazy to even alter the wording of the letter they were handed by some lobbyist, had no clue what the government's position was. They had never requested a briefing.

Congressional oversight isn't always bad. Recently, at the behest of an oil company trying to slow down enforcement action, a senator forced us to catalogue all of the "information requests" we had issued to companies suspected of violating certain Clean Air Act requirements, which led us to create a better inventory of these data and forced us to think about focusing our requests. We had to face the fact that some of our information requests were sloppier than they should have been, and that we were taking too long to review the information asked for. But as with so many other trends, congressional interference has gotten markedly worse under Bush. Congressmen have become de facto lobbyists for home state polluters.

DUMP IT ON THE STATES. According to Bush doctrine, what little environmental enforcement is necessary should be left to states. In theory, states issue most permits for air and water pollution and waste management because they have been shown capable of running such programs as required by federal law. In practice, EPA's records are so incomplete that it has little clue how well most states perform. Some, like New York, driven by Attorney General Eliot Spitzer, have outstanding enforcement programs. But periodic reviews by the General Accounting Office and the Inspector General repeatedly expose systematic failures to issue permits, track compliance, find violations, and prosecute them effectively. In addition to lacking resources, many states, especially in the South and West, are hostile to the very idea that most environmental laws should be enforced. State

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officials see red when EPA steps in to take enforcement action (allowed by federal law) against one of "their" businesses. Some of this is jurisdictional—aren't the local cops on TV always complaining about the FBI? But the constant and petty turf battles with state political managers were one of my most dispiriting experiences. On several occasions, state agencies, informed of an EPA investigation, rushed to cut a sweetheart deal with the target company to obviate the federal case. Once, over drinks, a state enforcement manager confessed to me that his governor had instructed him to bash the federal EPA, no matter what it did. This has always been a problem, but Clinton officials were less likely to pretend that states could do everything.

The Bush administration cut EPA's enforcement staff, supposedly to hire counterterrorism experts—even though Congress had already provided enough money for both.

This devolution to state enforcement also serves the administration's corporate sponsors, since states are consistently more cooperative and lenient than the federal EPA. It's no small irony that Administrator Whitman, when she was governor of New Jersey, eliminated the state environmental prosecutor and made deep cuts in New Jersey's enforcement budget.

THE INNOVATION FETISH. Under Clinton, the EPA reasoned that the best way to get polluters to comply with the law was to sue whole industries, not just individual companies. Under Bush, that reasoning has cleverly been reversed. If entire industries are not complying with environmental laws, goes the Bush philosophy, then there must be something wrong with the laws.

This philosophy exploits another EPA tic: The tendency to spend more time writing new regulations and guidance than enforcing existing laws, a pattern already causing problems for the enforcement staff under Clinton. The EPA is divided between program staff, who devise the regulations, and enforcement staff, who implement them. Program officers don't simply write the rules and move on; they are under constant pressure to revise the regulations. In theory, this is a fine thing. Regulations, like anything else in life, can be improved. The problem, however, is that the process by which the "new and improved" regulations are approved is dysfunctional. It dragging on forever because of the agency's obsession with "consensus." Any new proposal must wind its way through a labyrinth of political appointees and "stakeholders" (the euphemism for lobbyists). At the end of this maze sits the famously political Office of Management and Budget and the White House, both eager to second-guess any decision. When I first came to enforcement in the spring of 1997, EPA was deep in the process of rewriting the rules that prohibit sewer overflow and discharges from farm factories. Five years later, it is still struggling just to propose these same rules for comment.

To survive this obstacle course, EPA program managers have become acutely sensitive to anything that will upset the apple cart. Such a system discourages tough environmental enforcement. My staff and I routinely fielded calls from program managers or their senior staff, irate that some enforcement action threatened to derail a pending rule that would make existing prohibitions on pollution more "flexible."

And all this is worsening under Bush. While the president talks ceaselessly about innovation, partnerships, and voluntary programs in public, privately his administration questions the costs and challenges the benefits of any worthwhile environmental rule. The White House will not hesitate to step in and tell EPA how to write a rule, especially when it benefits the energy industry. As happened under Ronald Reagan 20 years ago, the process of environmental enforcement has once again been intensely politicized. Today, major proposals setting standards for polluters are often little more than a collage of industry positions—and with the dearth of independent data or information, there's no way to show that the agency is working in the public interest.

A Teachable Moment

There are a few hopeful signs that this bleak picture may brighten in the coming months. The collapse of Enron, corporate manipulation of energy prices, and the growing realization that the nation's energy policy has been hijacked by industry lobbyists have combined to fan public mistrust of the idea that corporations will act in the public interest without government oversight. The administration's own tone-deafness to the frequent conflict between the public

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good and private interests—reminiscent of the early Reagan years—have made this a "teachable moment" for those who believe that big companies need oversight.

Some public interest groups, recognizing that little in the way of new rules is going to be cleared by this White House, are instead focusing on how well current laws are working. State officials, disgruntled over having been cut out of Clean Air Act negotiations between the Bush administration and the energy industry, have begun to express doubts about abandoning federal enforcement, particularly against big multinational firms. And following the Democratic takeover of the Senate, Congress reversed the administration's proposed budget cuts for environmental enforcement. Even Whitman, though still struggling to admit there might be more than one or two bad actors out there, has begun bragging about last year's enforcement record (which was actually built on cases generated under her predecessor, Carol Browner, in the Clinton administration).

It would be a mistake to take any of this as a sign that the Bush administration has had a change of heart. As demonstrated by its aborted effort to overturn the Clinton-era standard for arsenic in drinking water, the White House won't support a federal environmental enforcement program unless failing to do so will carry political costs. But as that example showed, pressure from Democrats and voters can force positive changes. As it did last year, this July the Bush administration will once again attempt to cut resources for inspections and enforcement. But this year, they at least feel compelled to try to hide it. In fact, the administration is using the danger of terrorist attacks as an excuse to cut enforcement staff. After September 11, Congress provided special funding to the EPA for counterterrorism. But instead of spending this money, administration officials paid for the counterterrorism hires by cutting 30 enforcement positions. In other words, the transfer of 30 jobs from enforcement functions to non-enforcement functions was unnecessary—Congress had already provided enough funding for both.

More than ever, media scrutiny and congressional oversight are critical. Before the Republican takeover of Congress and the Contract with America—that is, before the EPA was viewed as the home of jack-booted thugs—pressure from Congress worked both ways. We were as likely to be chastised for providing too little enforcement as we were for providing too much. That not only made us work harder, it reassured us that we had at least some political support for protecting the environment. Since the Democrats took over the Senate last year, we have had two hearings asking whether certain environmental laws are being enforced strictly enough—a welcome change from the last eight years.

Democrats are planning to make Bush's environmental record one of their signature issues going into the midterm elections. It's a case where good politics also makes good policy. Because ultimately, what's at stake is not just the integrity of the EPA, which is weakened each time a powerful interest group thumbs its nose at the law and gets away with it. When polluters are allowed to run amok by a permissive administration, the environment and the American people wind up paying the price.

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Weather 'tis Nobler in the Mind

Al Gore lost in 2000 by going soft on the environment. He can win in 2004 by getting tough.

By Stephanie Mencimer

Ten years ago, when Al Gore first published his book on the environment, *Earth in the Balance*, some of his Senate colleagues believed it was so radical it would ruin his career. President George H.W. Bush called him "ozone man," and claimed, "This guy is so far out in the environmental extreme, we'll be up to our neck in owls and outta work for every American. He is way out, far out, man."

Gore took nothing but grief for calling the internal combustion engine a "mortal threat" to human civilization that should be made obsolete in 25 years. His insistence that global warming was a serious and growing crisis was also greeted with Bronx cheers, as conservatives insisted that global warming was a fiction conjured up by extremist environmental groups. Columnist George Will declared the book "a jumble of dubious 1990s science and worse 1960s philosophy."

Eight years later, the book was still a favorite Republican prop for Gore-bashing. On a campaign stop in Michigan, George W. Bush held up a copy and declared that Gore "calls autoworkers his friends, but in his book, he declares that the engines that power your cars are his enemy." Republican fact sheets declared that, "Like Gore's nearly quarter-century of public life, *Earth in the Balance* is plagued by a combination of liberalism, elitism, hypocrisy, and hyperbole, punctuated by an unhealthy extremism."

Gore parried by saying that he wore the attacks like a badge of honor. And then he went down for the count, losing the election to the most anti-environmental candidate since Ronald Reagan. In a bittersweet epilogue, however, Gore's environmental manifesto was finally vindicated. In April this year, with 50 mpg Japanese hybrid electric cars selling in the United States like hotcakes, and Detroit years away from producing its own, Michigan's Republican Gov. John Engler—who not so many years before had branded Gore a threat to the auto industry—announced the creation of a state-funded $700-million energy research center. Engler conceded that the center's research would eventually make the internal combustion engine obsolete.

A month earlier, in an alarming harbinger of the seriousness of global warming, the 12,000-year-old Larsen B Antarctic ice shelf, the size of Rhode Island, collapsed into the sea—30 years before scientists had expected it to. And in June, George W. Bush suffered a minor public relations debacle after his own Environmental Protection Agency released a report declaring conclusively that not only is global warming real and ongoing, but that it is also caused by human activity. The report, which directly contradicted Bush's position that the jury was still out on the issue, might be called "Al Gore's revenge." The Bush administration had to release the report because it was mandated by a 1992 international climate agreement that Gore helped negotiate as a senator.

Say what you want about Al Gore, but when it comes to difficult, complex matters of public policy, he has an impressive record of calling it right when others called it wrong. As a senator, Gore was the only Democrat to vote in favor of the Gulf War. He didn't "invent" the Internet, but he did sponsor the congressional spending bill that allowed it to expand outside the Pentagon. He was one of the hawkish members of Clinton's inner circle whose early advice to bomb Slobodan Milosevic in Bosnia and Kosovo to stop ethnic cleansing was both

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morally and strategically right. He was also a fiscal hawk who argued that cutting the deficit would lower long-term interest rates and lead to prosperity—a policy that worked beyond everyone's wildest expectations. He headed up a commission on airline security, whose recommendations, had they been followed, might have helped prevent September 11.

But more than anywhere else, it is on the environment that Gore can claim to have what every leader needs but few possess: vision. Before the rest of the world had ever heard the term "global warming," Gore was holding the first congressional hearings on the subject—in 1980! While Republicans like George H.W. Bush were denying the existence of global warming, Gore was helping gather evidence. While researching his book, Gore took a trip to the North Pole on a nuclear submarine and realized that the U.S. Navy had 40 years' worth of data on the thickness of the Arctic ice cap. Recognizing the untapped potential in the vast and largely unused information, he brokered a deal to release it to civilian scientists, who discovered that the ice cap had thinned by 40 percent just since 1970, a story that made world headlines.

The only thing more amazing than Gore's command of environmental issues is his almost complete failure to use it in the 2000 presidential race. After months of rehashing the Florida recount, revisiting that race is tiring, to say the least. Because the race was so close, with 20/20 hindsight, you can pick almost any factor that might have turned the tide in Gore's favor. But his inability to exploit his biggest strength and Bush's biggest weakness stands as one of the least appreciated screw-ups of that whole period.

As political strategist Dick Morris writes in his recent book, *Power Plays*, "This was truly amazing. Al Gore, who had boldly staked out the environmental turf fifteen years earlier, had gained *no* advantage over Bush on the issue. It was as if Richard Nixon had received no credit for a tough stand on law-and-order, or Reagan was bested on the issue of tax cuts."

It was a screw-up in which Gore had help from all the forces that have long made the Democratic party dysfunctional: environmental groups who portrayed Gore as a sellout; big-money donors with conflicting agendas; consultants peddling a paint-by-numbers populist message that focused only on the dangers and not the opportunities inherent in running on his trademark issue. Still, Gore made the final decisions, and it was his legendary caution that led him to stifle an issue that, in retrospect, could have won him the White House.

This political Shakespearean tragedy is not just a matter for historians. Thanks to George Bush's highly unpopular anti-environmental agenda, Senate Majority Leader Tom Daschle has declared the environment is one of the top three or four issues Democrats will campaign on this fall. It's a wise strategy given that polls consistently show that almost 90 percent of Americans deeply distrust congressional Republicans on the subject. Likewise, nearly every Democratic presidential hopeful is pushing a pro-environmental agenda and attacking Bush.

Every one, that is, but Gore. The man who should be out front leading the environmental charge—for

Art by Fred Harper

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the benefit of House and Senate Democrats this fall and his own presumed candidacy in 2004—has been maddeningly vague, indeed almost completely invisible, on the environment just as it is retaking center stage in a way it hasn't since Newt Gingrich tried to abolish the Energy Department.

Gore is showing every indication that he plans to run again in 2004, and if current polls are any indication, he is likely to win the Democratic nomination—a prospect that fills many Democrats with dread. Like global warming, Gore's candidacy is huge, scary, and probably inevitable. But if he can be persuaded to talk smartly and passionately about the environment, he could turn out to be the best hope the Democrats have in 2004.

From Ozone to No-Zone

In 2000, *Earth in the Balance* was reissued with a new introduction tied to the election. It includes a tremendous list of Gore's accomplishments on the environment while in Congress and the White House. In a de facto stump speech, he writes, "We're cleaning up the great American rivers. We've strengthened the Superfund to clean up hazardous chemical waste sites. We refused, despite all the special-interest lobbying of Congress, to let up on big polluters who have a responsibility to clean up hidden poisons in our neighborhoods and on land where our children play ... we have seen in the past seven years greater gains for land conservation than at any time since Theodore Roosevelt."

He notes that all this progress occurred during the longest economic expansion in American history—proof positive of his long-held view that prosperity and environmental protection need not be mutually exclusive.

Finally, Gore plants the flag, declaring his intention to make the environment the centerpiece of his campaign: "I believe the environment should be a central issue in the year 2000, because, like it or not, the environment will be a fateful issue in the next decade and the new century."

Yet the passionate and decisive Al Gore found in *Earth in the Balance* remained tucked safely inside the pages of the book during his campaign for the presidency. As early as 1997, people inside and out of the White House were urging Gore to steer clear of contentious environmental issues as he positioned himself to run for president. They did not see his visionary efforts on climate change as an asset, but as a huge liability that could galvanize formidable opposition to his candidacy should he actively promote it. The utility industry, for instance, which produces 40 percent of the nation's greenhouse gasses, had been generating studies predicting economic disaster for the United States if the Kyoto protocol were implemented. Furthermore, the dirtiest power plants are in the Midwest, along with the hub of the auto industry, and Gore desperately needed those states, and their union supporters, to win the election.

As Clinton's former Undersecretary of State for Global Affairs Tim Wirth explained recently in the *Harvard International Review*, "Global warming was an issue best kept off the political stage in the view of many, if not most, in the White House."

That view dominated the campaign, where Gore's advisers feared that making the environment an issue would scare off business supporters and detract from his centrist "New Democrat" image. One of Gore's campaign consultants, Carter Eskew, concedes that the candidate wanted to talk about the environment far more than his advisers were willing to indulge. "We felt as though we had other business to do," he says. "From a political standpoint, the environmental commitment was already established."

He argues that the campaign team was sticking to what it knew worked—research and polling—and the polls said that the public wasn't focused on the environment, which is considered a second-tier issue, behind education, Social Security, and the economy. Gore consultants could point persuasively to the week in the summer of 2000 when Gore unleashed a string of big policy speeches on energy and the environment, only to be ridiculed by the media for being a "techno-nerd" and talking about things no one cared about. (This was, of course, before the lights went out in California.)

Not everyone in Gore's camp, however, agreed that the vice president should abandon the environment. People like Kathleen McGinty, a longtime Gore aide and chair of the White House Council on Environmental Quality, and campaign manager Donna Brazile, as well as allies in the environmental movement like League of Conservation Voters President Deb Callahan, who had worked on Gore's 1988 campaign, argued that the high-paid consultants' formula might be the right one for any other candidate, but not Al Gore.

They saw the environment as a place where Gore had a demonstrated track record and could showcase his vision and leadership. They were also convinced that the consultants' belief that environmental advocacy equaled economic suicide was simply outdated. More importantly, Gore's passion for the environment was so well known that

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if he failed to run on it, he risked looking as if he'd abandoned his principles.

"The environment isn't just an issue for Al Gore. It is at the heart of who he is. It is a strong measure of Al Gore's integrity and commitment to principle. That is what standing for the environment really is about," says McGinty. "Unfortunately, some in the campaign did not appreciate that." To a certain extent, she says, issues are less important than authenticity, which the average person relates to. "Authenticity for Al Gore *is* the environment."

Even on a more basic level, though, the most compelling reason for Gore to create his own terrain on the environment was that Bush was so clearly vulnerable on it. Texas, with less than 7 percent of the nation's population, is responsible for a seventh of its carbon emissions. Of the 50 largest industrial companies in Texas, 28 violate the Clean Air Act. Texas also ranks first in the nation in cancer-causing toxic air emissions from industrial facilities. As governor, Bush only made it easier for those companies to do business as usual, and those same companies smogging up Texas repaid the favor by bankrolling Bush's presidential campaign.

The green contingent inside the campaign also knew first hand that voters react strongly when they believe that the environment is threatened, as they showed after 1995, when the new Republican Congress tried to roll back environmental laws and privatize national parks. Gore himself had persuaded Clinton to focus on the environment in what turned out to be a shrewd and successful strategy against the new majority—one he failed to employ on his own behalf in the race for the White House.

The passionate and decisive Al Gore found in *Earth in the Balance* remained tucked safely inside the pages of the book during his campaign for the presidency.

Scorched Earth

Faced with the issue on the campaign trail, the visionary environmentalist looked like a deer in the headlights. Gore rarely attacked Bush on the environment in any pointed fashion. Paralyzed during the debates, he failed to win a single point on the environment, sticking to vague references about "big oil" that made him sound like an old man railing against the Rockefellers.

Eskew says that Gore actually did devote a fair amount of time to the environment, but that the media largely ignored it. "The press that traveled with us was like, well, Al Gore is talking about the environment. So what else is new?" But when Bush talked about the environment, he got noticed, says Eskew. "It's more news when someone plays against type."

Part of the problem was that Gore's approach was conspicuously tepid—two sentences here, a minute there, mixed in with endless speeches about putting Social Security in a lockbox. He could have taken a play from George H.W. Bush, who sank Michael Dukakis in part by standing in front of the polluted Boston Harbor and accusing the governor of failing to clean it up. Unlike the elder Bush, who had a terrible environmental record himself, Gore would have been on moral high ground if he had, say, taken a well-publicized stroll through the toxic morass of Texas's Refinery Row. There, he could have surrounded himself with poor Hispanic children stricken with asthma and other pollution-related illnesses and demanded to know why Bush was willing to sacrifice the children for oil profits. The image would have stuck with people, especially critical Hispanic voters, and shown a powerful difference between the two candidates. And the media would have eaten it up.

Bush was worried about such attacks—so worried, in fact, that shortly before one of the September presidential debates, he released a proposal for mandatory reductions in carbon emissions that was more significant than anything Gore had done. (Of course, Bush promptly reneged on it once in office.) But he needn't have bothered. Instead of hammering away on Bush's record, Gore nattered on about his allegiance to "the people not the powerful," while sidestepping specific environmental issues that would have rallied his base.

During more than four hours of televised debates, the environment came up for discussion for a grand total of 15 minutes. When the issue of clean air did arise at one point, instead of pressing the need to clean up dirty power plants, Gore touted the potential benefits of "clean coal," clearly pandering to the swing state of West Virginia, where "clean coal" min-

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ing companies have indefensibly razed the tops off mountains—and which Gore ended up losing anyway.

As the campaign progressed, Bush steadfastly stumped on a platform that he knew the public was not wild about, like cutting taxes for the super-rich, but that *were* very popular with his conservative base.

Instead of hammering away on Bush's record, Gore nattered on about his allegiance to "the people not the powerful," while sidestepping specific environmental issues that would have rallied his base.

Meanwhile, Gore refused to go to the mat on positions that *were* popular with the public, crucial to his base, and which everyone knew he cared deeply about. The immeasurable but undeniable effect was that Bush looked principled and strong while Gore looked insincere and overcautious.

Long-time Gore supporters were mystified. Leon Panetta, a former White House chief of staff and strong Gore supporter, told the press that the environment is "a gut issue" for the vice president, who shouldn't "tiptoe around these issues. He ought to make this part and parcel [of the campaign]. This is who he is."

Green Meanies

In downplaying the environment, both Gore and his advisers ignored Lyndon Johnson's famous rule of politics: It's better to have your adversaries inside the tent pissing out than outside pissing in. Bush had learned this lesson the hard way, watching his father lose in 1992 to Bill Clinton after being assaulted from the right by fundamentalist Christians who thought he was ignoring their interests. When Bush entered the race, he made sure that he reined in the more unruly fringes of the GOP, cutting deals with Christian conservatives and bringing them into the tent with the unified goal of simply winning the election.

Gore and his camp may have factored in Jesse Jackson, but they made no such calculations when it came to environmentalists. As a result, they were completely unprepared when a lot of them began dampening his tent. Environmentalists had been mounting increasingly heated attacks on Gore during his last term in office for failing to do more on climate change. In 1997, the Sierra Club ran TV ads in early primary states urging Clinton and Gore to "stand up to the special interests" and push for stronger clean-air rules. Environmental groups sent a polemic to editorial writers deriding Gore's comments on global warming as "hot air." In 1998, Phil Clapp, president of the National Environmental Trust, and others met with Gore and asked the administration to mount a fight in Congress to reduce emissions from electric utilities. The meeting broke down into a shouting match after Gore flatly refused, yelling "Show me one vote! Name me one senator who'll support me on this!"

As the campaign progressed, and Gore backburnered his green views, the environmentalists felt Gore was taking their votes for granted, which made it difficult for the environmental leaders who did sincerely support him to rally their troops. "The candidate wasn't helping us," says the League of Conservation Voters' Deb Callahan. "We could only take it so far. If he had done more, we could have done more whipping up people."

But former Gore campaign staffers and Clinton administration officials suggest that the environmentalists bear much of the blame for putting Bush in office. Carter Eskew, Gore's message man, says, "They weren't exactly unified behind Gore, rah-rah."

At the grassroots level, many activists showed little understanding of the compromises necessary to get one of their own elected. Some went on to protest Gore outside the 2000 Democratic Convention, and in some cases only grudgingly gave him their endorsement. (At least one major group endorsed Bill Bradley during the primary.) During the campaign, Republicans gleefully touted a 1999 email from Sierra Club board member Michael Dorsey, in which he accused Gore of holding natural resources "hostage to the highest bidder," adding: "With this legacy, no real environmentalist could ever endorse Al Gore."

The Sierra Club quickly reaffirmed its support for Gore, but the environmentalists' public unhappiness with Gore left the door open for a left-wing assault from Ralph Nader, who forced Gore to wage

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a real and expensive battle in places like Oregon, where Democratic presidential candidates had easily prevailed since 1988.

Activists in Oregon pushed Gore to come out in favor of removing dams from the upper Snake River to help restore the wild salmon population. But Gore was caught between an electoral rock and a hard place. The dams were actually in Washington, where the state leadership was adamantly opposed to removing them because of their role in providing electrical power, and Gore needed Washington as much as he needed Oregon. Gore insisted that he sincerely cared about the salmon and promised to convene a "salmon summit" as soon as he was elected, much the way Clinton did to broker a compromise over the spotted owl controversy in the early '90s. But as one Clinton official puts it, "Their expectations were just impossible."

Nader pounced on Gore's vagueness on the salmon issue as proof that there was very little difference between Gore and Bush on the environment—a perception Bush happily capitalized on. Gore advisers believe that the environmental groups allowed that impression to stand unchallenged until the very end of the campaign, when the race came down to razor-thin margins. But by then it was too late, and now, the current president flat-out opposes removing the dams and most other measures to revive the salmon habitat. As one Gore campaign consultant laments, "The environmentalists blew it giving Gore a hard time. It's a case study in how interest groups often don't know what's good for them."

Too Yellow to be Green?

Nowhere was the impact of environmental politics more apparent than in the hotly contested race for Florida. While much has been written about how Gore could have done things differently during the recount, largely overlooked was his dismal campaign performance in a state that is home to 325,000 members of major environmental groups, not to mention thousands of others sympathetic to the cause. Because of its importance to the tourism industry, the environment is so critical to Florida politics that even oil-dynasty Gov. Jeb Bush has opposed offshore drilling there. In a brazen move to shore up Jeb's reelection prospects, the president didn't think twice about spending several hundred million taxpayer dollars to buy out oil-drilling leases off Florida's Gulf Coast.

The League of Conservation Voters did a survey to see whether members of environmental groups voted more than the general public. In 1996, they did not, so the group orchestrated a "get out the vote" campaign to rally environmental voters to the polls. After the 2000 election, they went back to check to see how successful it had been. "In Florida, the number of environmental group members who voted dropped by 9 percent," says Callahan.

She suspects that one reason for the drop-off was Gore's failure to pick a side in the fight over the future of Homestead Air Force Base. The base had been severely damaged by Hurricane Andrew in 1992, and was slated to be closed. Local politicos in Miami-Dade County, including Democratic mayor and Gore fundraiser Alex Penelas, quickly seized the moment to hand over the development rights to a group of investors who included the son of legendary Cuban leader Jorge Mas Canosa. The group intended to turn Homestead into a commercial airport. The problem, however, was that the base was situated right in the middle of the Everglades and Biscayne national parks, which environmentalists feared would be badly damaged by pollution and traffic.

The Clinton EPA and Interior Department both came out against the airport, as did Gore's rival in the Democratic primary, Bill Bradley. Polls also showed that two-thirds of Floridians opposed the airport. But once the campaign heated up, Gore inexplicably refused to take a position, infuriating many South Florida environmentalists who had watched him give a passionate speech at the Capitol announcing the administration's plan to spend $8 billion restoring the Everglades. "He spoke for 20 minutes without notes," says Alan Farago, who led the fight against the airport. "We were blown away by how much he knew."

Yet on campaign swings through South Florida, says Farago, Gore adamantly refused to even discuss Homestead. "Gore's silence made us doubt that he knew himself what his campaign stood for," says Farago.

In February 2000, Florida novelist Carl Hiaasen wrote a scathing editorial in *The Miami Herald* attacking Gore for his lack of position, writing, "Vice President Al Gore, who claims the greenest pro-environmental credentials of all the presidential candidates, is showing a flash of yellow ... braced with South Florida's most controversial environmental issue, the environmental vice president has elected to wimp out and keep quiet ... If he doesn't take a stand soon, we can assume that the self-proclaimed green candidate isn't referring to the green of the Everglades, but rather the green that Alex Penelas is

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stuffing into Democratic coffers."

Green voters' suspicions deepened further when they learned that the vice president's point man in Florida, land-use lawyer Mitchell Berger, had financial ties to one of the developers involved in the airport proposal. Environmentalists became so furious that they threatened to picket Gore's appearances, at one point forcing him to cancel a campaign stop. Disappointed with Gore, many environmental-minded voters supported Ralph Nader, who took a very public stand on Homestead and garnered more than 95,000 votes in Florida. National exit polls later suggested that about half of Nader's votes would have gone to Gore, which would have been more than enough to put Gore over the top.

"Gore lost Florida because of environmentalists," says Callahan. "If Al Gore had inspired environmental voters in Florida and not been ambiguous on some issues like on the Homestead development he would be president today."

Mercury Rising

Much has changed since Al Gore conceded the election in December 2000. If the environment wasn't a top-tier issue then, it will certainly be in 2004, if only because George Bush has made it one. Barely a year and a half into office, Bush proposed abandoning stricter regulations for arsenic in drinking water and scrapped plans to limit snowmobiles in Yellowstone Park even as photos of park rangers wearing gas masks flickered across the airwaves. He's pushed for opening the Arctic National Wildlife Refuge and other sensitive areas to oil drilling, gutted EPA's enforcement budget and the Clean Air Act, pulled out of the Kyoto agreement on global warming, reneged on an agreement with the auto industry to raise fuel efficiency standards, and allowed Enron to write the administration's energy policy.

Even without Bush's proactive agenda, the environment has emerged as a pressing concern again simply because the public is starting to realize that something is seriously wrong with the way the earth is supposed to work. As Tim Wirth puts it: "We're frying."

The public didn't need the recent National Academy of Sciences' report, or the EPA assessment to the United Nations, to confirm their suspicions that global warming is not only happening, but also that humans are playing a huge role in it. Just since the beginning of the year, the media have produced a litany of foreboding stories about the strangely behaving global climate. The year 2001 was the second-hottest year on record, behind 1998. The East Coast this winter resorted to water rationing on the heels of a four-year-old drought. Olympic athletes in Salt Lake City held global-warming education rallies as they realized that the Winter Olympics was an endangered species.

In Alaska, where the average temperature has risen about seven degrees since the 1970s, roads are buckling, spruce forests have been wiped out by beetle epidemics, fires are raging across the state, and entire coastal towns may soon have to be abandoned or moved inland because of rising sea levels. Even the Trans-Alaska oil pipeline is in danger of collapsing into the melting permafrost. Taken together, these phenomena have been so disturbing that even one of Congress's most anti-environmental senators is now talking about the reality of global warming. Sen. Ted Stevens (R-Alaska) admitted recently to *The New York Times* that, "Alaska is harder hit by global climate change than any place in the world."

The newspaper reports are eerily familiar, having been largely predicted in Al Gore's book a decade ago. "Everything we've learned since then has just reconfirmed what we knew in the 1980s," says Dr. Robert Watson, the former chair of the U.N. Intergovernmental Panel on Climate Change. He notes that not only is the science more solid, but the projected temperature increases are now actually higher than they were when Gore wrote *Earth in the Balance.*

The observable evidence of global warming on the planet has convinced the rest of the industrialized world to move forward with a sense of urgency to address the problem. British Prime Minister Tony Blair has come out as one of the world's most forceful leaders on climate change, and his country's emissions have dropped by 5 percent since 1990; Germany's emissions fell by 19 percent, even as U.S. discharges went up 18 percent during the same period. The E.U. and Japan have ratified Kyoto, and Russia is slated to do the same by the end of the year. A handful of multinational corporations, including BP, Shell, Toyota, and DuPont, have begun making voluntary reductions in their emissions, in part because they realize they otherwise won't be able to compete in a post-Kyoto world. "Most people are getting it, except the U.S. administration and U.S. Congress," says Watson.

Carpe Diem

Al Gore understands these issues more than just about any politician alive, and if he chooses to run in 2004, he has much to gain and nothing to lose from

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campaigning on them. Bush and the Republicans may have worked hard to brand Gore as an extremist for his environmental views, but the polls also say that nearly everything Gore supports, the public does, too.

Overwhelming majorities of Americans believe the federal government isn't doing enough to protect the environment. Even higher percentages favor higher emission and pollution standards for industry, stronger enforcement of environmental regulations, and higher auto emission standards for cars. And despite Gore's advisers' fears that the public would view his support of Kyoto as a liability, after Bush pulled out of the treaty negotiations, 61 percent of Americans told ABC News pollsters that they thought the United States should sign it.

"If Al Gore had inspired environmental voters in Florida ... he would be president today."

—Deb Callahan, President of League of Conservation Voters

The environment could energize key Democratic constituencies, such as the young people who flocked to Ralph Nader's campaign. Polls also suggest that the environment is a key factor in winning the votes of the ever-critical independents. Perhaps the best evidence for this is the decision by maverick Sen. John McCain to take up the issue of climate change. As chairman of the Senate Commerce Committee, McCain began holding hearings on climate change two years ago, and in February this year, he joined with Sen. Joe Lieberman (D-Ct.) in introducing legislation that would increase fuel efficiency, reduce greenhouse-gas emissions, and reduce dependence on foreign oil.

From the Senate floor, McCain said it was clear that soon there would be a world marketplace that "rewards improvements in energy efficiency, advances in energy technologies, and improvements in land-use practices and we are running the risk that America is not going to be part of it." McCain's bill has been endorsed by Senate Majority Leader Tom Daschle and most other Democratic presidential contenders.

But while Democrats are seizing the moment to display their environmental bona fides, and fighting Bush's attempts to roll back environmental protections, Gore is taking a powder, missing a tremendous opportunity to exercise leadership on his favorite issue. His absence is noticed. As one former Clinton official says with exasperation, "Where the hell is Gore?"

Since conceding the election, Gore has made a few speeches, and on Earth Day, wrote an editorial for *The New York Times* on global warming. Yet just as during the campaign, his recent speeches and writing have been long on anodyne calls for new investment in clean technology, but notably bereft of bold positions, such as supporting mandatory caps on carbon emissions, which every other Democratic contender has taken. An early June speech to the Wisconsin Democratic Party convention shortly after the flap over Bush's EPA report on global warming didn't even make national news.

Should he run in 2004, Gore will not be able to nickel and dime his way to beating Bush, who in 2000 successfully blurred the distinctions between the two candidates on issues like Social Security and Medicare, and managed to portray himself as a moderate on the environment—the one area where that should simply not be possible. Gore has a natural, authentic advantage on the environment, but only to the extent that he makes an issue out of it.

He'll have to do it boldly, taking on a few choice, controversial issues in a way that cuts through the media chatter. He should pin Bush to the ropes in the process, reminding the public at every possible turn that the current president is the same man who, when running for Congress in the 1970s said, "There's no such thing as being too closely aligned with the oil industry in West Texas."

If this plan seems too radical, Gore should recall his own words on global warming from *Earth in the Balance*, in which he predicted that "proposals which are today considered too bold...will soon be derided as woefully inadequate." ●

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May the Source Be With You

Can a band of biologists who share data freely out-innovate the corporate researchers who hoard it?

BY NICHOLAS THOMPSON

IN 1984, INTERNET PIONEER STEWART Brand made one of the most prescient observations of the technology era: "On the one hand, information wants to be expensive because it is so valuable. The right information in the right place just changes your life. On the other hand, information wants to be free because the cost of getting it out is getting lower and lower all the time. So you have these two fighting against each other."

Brand's insight is famous among computer programmers. But it is probably even more apt in explaining what is happening today in biology.

The cost and ease of sharing information in biological research is plummeting, thanks to computers and the Internet. Sending files over jerry-rigged 14K modems the way Brand did was convenient, but nothing compared to streaming swaths of genetic data worldwide in seconds. But at the same time, the potential value of new information in biology has been skyrocketing. Discovering a critical gene controlling, say, Alzheimer's or impotence, can be worth a fortune. That's why Wall Street has poured hundreds of billions of dollars into pharmaceutical and biotechnology firms in the past 20 years. And it's why universities such as MIT and the University of California at Berkeley increasingly have become partial subsidiaries of corporations, licensing discoveries in return for pieces of the action.

The whole corporatized system, however, rests on the ability to hoard information. The information and its dissemination has to be owned through government-granted patents and licenses, if the discoverer is to make big money on it. In one way, that's fine. The prospect of profits inspires research and our increasingly corporatized system has produced some notable medical breakthroughs and innovations—drugs to treat high cholesterol and depression, for example. Perhaps most famously, it was a private company hunting for gold, Celera, which figured out a new way to decode genetic data and spurred the mad race to mapping the human genome.

But hoarding information clashes directly with another imperative of scientific progress: that information be shared as quickly and widely as possible to maximize the chance that other scientists can see it, improve on it, or use it in ways the original discoverer didn't foresee. "The right to search for truth implies also a duty; one must not conceal any part of what one has recognized to be true," reads the Albert Einstein quote inscribed on a memorial outside the National Academy of Sciences offices in Washington.

The great physicist, then, might be disappointed if he learned that in 2002 he'd need approval from 34 different patent holders before buying a new kind of rice genetically engineered in Costa Rica to resist a tropical virus. Or that, according to a recent *Journal of the American Medical Association* survey, three times as many academic geneticists believe that sharing has decreased in their field over the past decade as believe it has increased—despite the ease with which one can now transfer information online. Indeed, nearly three-fourths of the geneticists surveyed said that a lack of sharing had slowed progress in the their field. Info-hoarding may help explain at least part of the decline in pharmaceutical innovation. According to a recent study by the nonprofit National Institute for Health Care Management, a rapidly increasing percentage of new drugs approved by the FDA have the same active ingredients as other drugs on the market. In other words, the industry

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may not be innovating as much as learning how to market and package old drugs in new ways.

Fortunately, a potentially revolutionary counter-trend is developing. A small but growing number of scientists, most of them funded by the National Institutes of Health, are conducting cutting-edge research into the most complex problems of biology not in highly secure labs but on the Internet, for all the world to see. Called "open-source biology," this work is the complete antithesis of corporatized research. It's a movement worth watching—and rooting for.

Dallas Cowboy

One of the most interesting innovators of this new type of biology is Alfred Gilman, who received the 1994 Nobel Prize in medicine. Four years ago, Gilman founded the Alliance for Cellular Signaling, a coalition of scientists based in Dallas striving to build a virtual cell that will allow scientists to perform experiments completely on their computers. Want to know how changing the concentration of a protein affects the cell? Or, how two specific proteins bind together—the basis for most pharmaceutical drugs? Type it in online and test for yourself. Don't bother with test tubes or mice.

Developing a new drug typically takes about a decade and costs hundreds of millions of dollars. But Gilman's plan could accelerate a critical stage from a few years to a few minutes. "If it works, it will make testing drugs much easier and much cheaper," he says.

To get there, Gilman isn't hoarding his findings, but unloading them directly into the public domain and spurning patents and copyright. He won't rely on brilliant insights coming as he sits cross-legged in a woodshed; he's going to organize a massive public brainstorm and rely on the collective wisdom of his many collaborators. Seven core labs will serve as central coordinators as the undertaking evolves, but hundreds of other people will pipe in over the Internet. Nearly 500 scientists worldwide have already lined up to design descriptive Web pages for molecules key to the inner workings of cells.

Gilman won't make any money besides what he's paid through his grants, but that's not the point. He wants information to circulate as widely as possible. He wants to tackle a giant question, open up all his work, and let new discoveries serve as bridges rather than endings: "We couldn't do all of this by ourselves. It's just too big. So we have to engage the entire community."

In many ways, Gilman is simply and deliberately copying the open-source development model popularized by the Linux operating system. Most computer programs, like most biological experiments, are protected by patents, copyrights, or simple secrecy. But after finishing the first prototype in 1991, Linux's founder Linus Torvalds didn't dial up a lawyer or a venture capitalist; he posted the code online and asked other people to download it, use it, and improve it. A few people did, and then emailed back an improved code that Torvalds incorporated and reposted. Today millions of loosely coordinated global users still do the same thing and, for many uses, Linux now rivals any privately designed program.

The corporate reaction to Linux likely foreshadows what will probably happen with open-source biology. Microsoft, on the one hand, has gone crazy. The company has quietly funded studies trying to debunk the effectiveness of Linux, and operating systems chief Jim Allchin has even described open-source software as un-American. However, other companies, such as IBM, have decided to take advantage of Linux and build proprietary software that they can sell on top of it.

With open-source biology, some companies clearly see the potential for the creation of useful models that they can take advantage of freely. Eli Lilly, Merck, Aventis, Johnson & Johnson, and Novartis are even helping to fund Gilman in the hope that his model will help them develop better drugs more quickly. But the corporate world also fights anything that could reduce profits or force proprietary information into the open. Publishers of scientific journals, for instance, have railed against an NIH-sponsored online database called PubMed Central which would post the full text of any scientific article ever published (see "Publisher Perish," October 2001).

Ultimately though, many scientists do see the value of open-source biology because one never knows where lightning will strike next with data in the public domain. A sequence of genetic code from a yeast gene put into a giant NIH-sponsored database called GenBank recently led to a breakthrough in colon cancer research by another database. When a mysterious virus popped up in New Mexico a few years ago, scientists had little idea how to respond until realizing that its sequence closely matched a group of viruses endemic to Asia found in GenBank. Harold Varmus, the former director of NIH, believes that similar open collaborations will grow in biology because of the rapidly increasing scale and complexity of the discipline's upcoming challenges: "We are all beginning to appreciate that while our own pieces of the puzzle are important, more rapid integration has to happen."

Mississippi Math

To understand why this new type of biology is possible, it helps to follow the career paths of two scientists, Roger Brent and Larry Lok, childhood neighbors in Hattiesburg, Miss. four decades ago. Fast friends, they passed through the adolescent rites of passage for brilliant

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techy people together: learning calculus out of a book in the seventh grade, dropping out of high school because it bored them, beginning graduate work before turning 20. But then they split apart geographically. Brent left Hattiesburg to study biology at Harvard and began cloning genes. Lok left to study math at Columbia and learn about hyperbolic manifolds.

After earning his Ph.D., Lok headed to California to write computer code and design circuits. Brent continued his work in genetics and eventually cofounded The Molecular Sciences Institute, now a 30-person laboratory and research center in downtown Berkeley. "For a long time, I thought that the idea that a computer programmer and a biologist would work together was ludicrous," said Lok.

For 20 years, the two friends followed their divergent paths. But in the mid '90s, biology started to change noticeably. Biologists started dealing with giant computer databases; DNA started to resemble computer code; laboratory Internet connections became as essential as microscopes. Soon, Brent started calling Lok to talk about mathematical models of biological processes. Then, two years ago, Brent recruited his old friend back and Lok is now working to create a complete online model of yeast reproduction, much like what Gilman hopes to do with cell signaling, though on a vastly smaller scale.

Appropriately, Lok and Brent plan to put their work in the public domain. Not only has the merger between biology and computer science allowed the two friends from Hattiesburg to work together again, it's also what makes biological open-source collaboration possible.

To write a computer program, such as Linux, a coder thinks about something he wants—say, a new word processor. He then writes some code that his computer compiles into 0s and 1s and then acts on. At every step, he can easily share and test his work. Torvalds could send someone computer code, they could test it immediately, add something they thought might help, and send it right back.

Biology followed different processes even a decade ago. If a scientist wanted to understand something, he needed a wet lab: test tubes, samples, and everything else. If he came up with a hypothesis based on preliminary work, he could write the idea up or maybe even send samples to a friend. But to reproduce or test the results, the colleagues would need all the same tools and lots of time.

Wet labs are still essential for many biological processes. But for many things now, a biologist can make a discovery primarily by examining public data and figuring out an innovative way to parse them, or, at the least, using the data to greatly amplify or check hunches that one has in a laboratory. This is what Brent and Alejandro Colman-Lerner at the Molecular Sciences Institute recently did, poring through data to prove and describe a genetic difference between mother and daughter yeast cells previously considered identical. After publishing their results, colleagues responded within hours. "Biology is [now] completely impossible without computers," says Chris Somerville, a Stanford University biologist working to build a complete online model of the arabidopsis, a small flowering plant often studied by researchers.

This transition doesn't just speed up the exchange of information; it also opens up opportunities for more contributors. Anyone with an Internet connection can see what Brent and Colman-Lerner did and follow up. As another example, Cornell biologist Susan McCouch works with researchers in the Ivory Coast, among other places, to identify and analyze rice genes that might have desirable traits, say, for drought resistance. She puts that information into an open database called Gramene.

Open-source still faces serious obstacles. For one, maintaining strict quality control standards can prove vexing: A project with lots of eyes working on it is bound to include a few bloodshot ones. Secondly, private companies can pay people to do all the grunt work required by giant projects; open-source projects usually can't.

But there are ways around these obstacles. Gilman for one plans to have a core group retest all of the major findings sent to his project, slowing down the process but keeping the junk out. As for the concern that no one will work on these projects, there are thousands of adequately paid, university-sponsored scientists able to pipe in, and many of these scientists are more enthusiastic about working on open-source projects than anything locked up and corporate. Colman-Lerner recently noticed a mislabeled gene in a soon-to-be-restricted database he often uses. "I'd tell them, if they weren't about to make money off me," he said, noting that he corrects public database errors. It is easier to simultaneously send multiple requests to GenBank's database than to Celera's equivalent because Kim Worley, an enterprising researcher at Baylor University, recognized the problem and wrote code to fix it—something Worley says she wouldn't and couldn't have done for a private company.

In the world of Linux programmers, the so-called "Linus' law" says that "given enough eyes, all bugs are shallow." Someone will find the answer if enough people work on a problem, are able to communicate, and if the information really can be kept free. To be sure, the fact that information can want to be expensive has pushed science forward in places. But if Gilman's right, the fact that information wants to be free will prove even more important in the coming years. ●

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Axis of Good

The case for remilitarizing Japan.

BY JOSHUA KURLANTZICK

SINCE SEPTEMBER 11, THE WORST-case scenarios that intelligence and military planners dream up have become easier for civilians to envision. Here's one to give Americans pause. Imagine that while U.S. troops are deep in the midst of a war to oust Saddam Hussein, Indonesia, a country of more than 200 million people where central authority is about as strong as in Ozzy Osbourne's household, implodes into civil conflict, as it did in the 1960s and almost did again four years ago. The prospect of political and economic instability spreading through Asia justifies an intervention by American troops stationed in Okinawa, Japan.

While this is happening, China takes notice of the increasingly blatant independence rhetoric from Taiwan's government. Since the "One China" policy, which holds that sooner or later Taiwan must rejoin the mainland, is holy writ in China, the government in Beijing decides that it's time to act. Taking advantage of America's distraction, the Chinese prepare to coerce the truculent island. U.S. intelligence satellites pick up unmistakable evidence of the impending assault. In hopes of heading it off, the U.S. sends a portion of its Pacific fleet into the Taiwan Strait, as it did in 1996 after saber-rattling by the Chinese. Soon, the satellites show something even worse to worry about: The unpredictable North Korean regime, sensing an opportunity amidst the chaos to flex its muscles, has begun preparations to launch intermediate-range missiles, which could hit American bases in Japan.

You do not need this kind of worst-case scenario to see that the American military is already spread pretty thin in Asia. Some generals are warning that fighting in Afghanistan and Iraq at the same time could dangerously stretch America's military—despite huge increases in defense spending the administration has approved. Meanwhile, the U.S. already has Special Forces on the ground in the Philippines and Thailand; piracy and terrorism are becoming increasingly serious problems in Southeast Asia; the 2000-2001 détente between North and South Korea is collapsing; and China is modernizing its army.

Asia, like Europe, is of obvious economic importance to the U.S. and the world as a whole. But unlike Europe, it is not connected to any stabilizing political or economic unit. Fortunately, expanding even further the American presence in the region is not the only way to ensure stability. Instead, the U.S. should subtly push Japan to become a more modern military power, joining Europe and America in an "Axis of Good."

To anyone familiar with World War II, the idea of a more militarized Japan may sound creepy, if not downright crazy. That has been the prevailing assumption in Asia for more than 50 years. But the idea that old adversaries can collaborate has obvious precedents around the world. The most recent evidence is the emerging alliance between Russia and the United States. For the last half century, Americans, Japanese, and Asians in general have shared an operational understanding that Japan was a special case: The one former military power that couldn't really ever be trusted with weapons again. Whatever the justice of that initial assumption, it's become outdated. It's time for a fresh look at Japanese rearmament and a fresh conclusion that the Japanese can best advance the cause of peace not as pacifists but as responsible soldiers.

Unsinkable Aircraft Carrier

The Japanese and their neighbors have good rea-

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son to feel nervous about the return of the Japanese military. In the late 1800s and early 1900s, the country developed into an industrialized nation, and, fearing that it would be colonized like nearly all its neighbors, organized itself from top to bottom on a quasi-military model. The "quasi" part disappeared in the late 1920s and early 1930s, when a clique of extremely hawkish leaders built a massive army and whipped up sentiment for regional domination. Throughout the 1930s and early 1940s, Japan's Imperial Army conquered a wide swath of territory in East Asia. Either out of ignorance about the probable American reaction or a belief that a showdown with the United States was inevitable, Japan's military thought its chances would be best if it struck first, and so it did, at Pearl Harbor.

From Chinese Manchuria in the north to the Indonesian islands in the south, Asia rings with tales of atrocities during the Japanese occupations of the 1930s and 1940s. Japanese soldiers competed in "contests" to see how many Chinese civilians they could kill, and the Imperial Army conscripted thousands of its subject peoples to serve as "comfort women" providing sexual services to Japanese troops. A vastly higher percentage of American prisoners of war died in Japanese than in German captivity, and in Manchuria, the Imperial forces created "Unit 731", a secret group which conducted lethal medical experiments on more than 3,000 prisoners.

Upon defeating Japan, the United States occupied the country and essentially imposed a pacifist constitution, as it did on Germany. The new constitution restricted certain powers of the state and guaranteed civil rights. The now-famous "Article 9" of the Japanese constitution could be read as ensuring permanent non-combatant status for Japan. Its best known provision says:

> "Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes.
>
> "In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized."

Ensuring that Japan didn't storm through Asia was one of America's post-war objectives. But the United States was even more concerned that Stalin's Soviet Union not storm through the same region instead. So, in moves that historians have debated ever since, the U.S. avoided in Japan counterparts to the "denazification" that was imposed on Germany. Though there were trials of some top leaders, many other members of the wartime and pre-war Japanese governments soon found their way back into service. And as part of the bargain, Japan agreed to serve as what was later called the "unsinkable aircraft carrier"—that is, as a base for U.S. troops in Asia.

Even as memories of wartime defeat and devastation have faded, most of the Japanese public has continued to believe that Japan should not abrogate Article 9. In reality, though, Japanese policy was at odds with Article 9 by the 1970s. Spending on the military (oops, the "Self Defense Forces") rose steadily. By the late 1980s, at the height of Japan's economic boom, its military (sorry, "self defense") budget was one of the four or five largest in the world. The line was drawn at overseas deployment of Self Defense Forces (SDF) troops. Many Tokyo leaders argued that the SDF could not send troops abroad, help the U.S. defend allies of Japan and America, or even protect the Japanese islands, a theory known as "collective self-defense," if a naval battle occurred outside Japan's territorial waters.

Though some American policy-makers had pushed for Japan to slowly rearm in the 1950s, few U.S. leaders supported Japanese military normalization. American politics was dominated by a generation of leaders who had fought in World War II. These leaders' memories were abetted by worries that Japan's rapid economic growth would ultimately be transformed into military power.

The China Factor

But times changed. With the end of the Cold War, the balance of power in East Asia was altered. Meanwhile, as Japan's economy stagnated throughout the 1990s, fears of Japanese might dissipated. Instead, China's economy boomed, giving Beijing the confidence to upgrade its armed forces. Indeed, Beijing's defense budget rose 17.6 percent last year.

Beijing has made countering American and Japanese diplomacy in Southeast Asia its top strategic priority. Meanwhile, Chinese vessels frequently have made incursions into Japanese territorial waters, and the Chinese military has been actively constructing new missile bases near the Taiwan Strait.

As China became more powerful, the Clinton administration greatly accelerated the engagement policy that the five previous administrations had followed. Reasoning that economic growth within a rules-based world trading system would lead China eventually to adopt democratic reforms and a less-

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belligerent foreign policy, the president actively promoted trade with Beijing and sometimes ignored China's forays into Philippine and Japanese waters. (The Clinton administration did respond forcefully in 1996 when China threatened Taiwan.) Some conservative foreign policy experts were infuriated by Clinton's willingness to ignore Tokyo in favor of Beijing. Over the course of the decade, these hawks began to assert themselves at top think-tanks in Washington and to brainstorm ways to control China's rising influence. Of these experts, Richard Armitage probably was the best known, although the group also included Michael Green, then a member of the Council on Foreign Relations, and Paul Wolfowitz, dean of the Johns Hopkins School of Advanced International Studies.

While China has gained power, less predictable actors also have threatened East Asia. Since 1989, an increasingly fragile North Korea, probably armed with weapons of mass destruction, has periodically threatened its neighbors. Farther south, the Philippines and Indonesia have become breeding grounds for Islamic militant groups, while Indonesia has threatened to implode into chaos.

Spooks and Pirates

What could Japan do to help? It is already doing something. Despite the ban on out-of-country combat, over the past four decades, Japan has upgraded its forces, professionalizing the SDF without abrogating its constitution. Japan has slowly increased its defense budget, spending $45 billion in 2000 to create a military that numbers 250,000 well-trained troops. (By comparison, the United Kingdom spent $34.8 billion on its military in 2001.) Japan's recession actually has helped the SDF: Rising unemployment has made it easier for the armed forces to attract qualified personnel. And throughout the 1990s, the SDF has gained experience by taking part in peacekeeping missions in Cambodia, Mozambique, and Rwanda. Tokyo also has allocated new money for long-range transport airplanes that could help Japan project force across East Asia.

Having already participated in several missions, Japanese troops could be designated lead peacekeepers in Asia, to be used whenever there is a peacekeeping assignment in the region. More important, a declaration of Japan's willingness to commit forces throughout Asia, in collective self-defense of Japan, could give China extra reason to pause before becoming too aggressive, especially in the Spratly Islands, a strategically important South China Sea archipelago. Over the past five years, China has staked its claim to the Spratlys, allegedly setting up military installations in the islands. A larger Japanese navy might deter China's still low-tech navy from moving more forces into the Spratlys. What's more, if a battle ever broke out between China and Taiwan, Japan could provide crucial support to combatants allied with America. Japan's highly professional navy also could help the U.S. and Southeast Asian states combat the movement of terrorists and high-seas piracy, which has become a serious threat to commerce in the waters off Indonesia.

A declaration of Japan's willingness to commit forces throughout Asia could give China extra reason to pause before becoming too aggressive.

Japanese troops, as well as long-range transport aircraft, also could prove vital if the United States ever has to defend Japanese waters. Without Japanese participation in collective self-defense of the waters near Japan, it would be extremely difficult for the American military to deter simultaneous Chinese moves towards Taiwan and North Korean threats towards South Korea or Japan.

Japan also could provide important intelligence to the United States on places such as North Korea, Taiwan, China, and Burma—countries that American spooks have shown little ability to understand. "There are plenty of Japanese in places where we don't have access ... and we should be able to get quality intelligence from them," says Paul Giarra, a Japan expert who previously worked for the Department of Defense.

Mau-Mauing Tokyo

All these things could happen—if Japan's neighbors could tolerate the idea of a more assertive Japanese military, and if Japan's own people could accept the same prospect. The obstacles to normalized relations in Asia are immense. China, South Korea, and other nations once colonized by Emperor Hirohito's legions

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remain extremely wary of Japan developing into a true military power. Last fall, Japanese Prime Minister Junichiro Koizumi had to cancel a trip to the South Korean parliament after lawmakers in Seoul, angry that Japan's role in the war on terror could mean more militarism in general, threatened to physically bar him from the chamber. Meanwhile, China's press frequently runs articles reminding the public of wartime atrocities and warning that China will react strongly to Japanese military normalization. It is hard to tell how many of these expressed fears are sincere, and how many are clever attempts to "mau-mau" the Japanese on their point of greatest vulnerability. Either way, they are frequently heard.

Japan was humiliated by contributing little to the Gulf War except six minesweepers which arrived after the fighting was over.

Obstacles loom large in Japan as well. The commitment to pacifism remains not only a key component of the Japanese constitution but also a major element in Japan's post-WWII identity. Older generations of Japanese still bitterly remember the destruction that the war wrought on a generation of Japan's young men and women. As Eugene Matthews, senior fellow in Asian studies at the Council on Foreign Relations, has noted: "Contrary to the conventional wisdom in America, it is the fear of the military-mindedness of 1930s Japan, not the wish to press the economic advantages of not having to maintain a modern military, that is the reason why the limited defense policy is not challenged [in Japan]."

What's more, even within U.S. national security circles, there is disagreement over whether the benefits of a more-normal Japanese military are worth the consternation such a military would cause. Several of the hawks most critical of Clinton's Japan/China policies now occupy top posts in the Bush administration, including Deputy Secretary of Defense Paul Wolfowitz and Deputy Secretary of State Richard Armitage. While they are pressing the case for a normalized Japanese military, many veterans in the bureaucracies at State and the Pentagon are dubious, and their concerns go beyond the normal desire not to upset a comfortable status quo. Though the hawks deny it, in the long term Japanese military normalization may lead to rifts between Washington and Tokyo, notes Steven Clemons, a Japan expert at the New America Foundation. "American leaders want Japan's military to modernize in order to strengthen our alliance with Tokyo, but conservative Japanese politicians want to use modernization to make Japan a more independent military power," says Clemons. "It is extremely incremental, and for now the risk of rifts is extremely small, but there are noticeable rumblings of Japanese willingness to separate their interests from America's interests."

Osama vs. Osaka

Yet as the geostrategic landscape in Asia changes and begins to favor China, these obstacles are slowly shrinking. Over the past decade, a younger generation of politicians has come to dominate American and Japanese politics. For these men and women, the legacy of the Second World War no longer is as much of a factor in their thinking. This change is noticeable in Japan, where most politicians clearly recall the Gulf War, in which Japan, one of the largest donors to global organizations like the United Nations, was humiliated by contributing little to the actual campaign except six minesweepers which arrived after the fighting was over. Responding to politicians who chafed at Japan's lack of military presence in the desert, the Japanese public began to consider the possibility of revamping the SDF.

For many Japanese, September 11 was a turning point that catalyzed all of these trends—the passing of the WWII generation, China's rise, Japan's quiet, slow military expansion—and forced the Japanese public to openly discuss whether, and how Japan could become a more normal military power. Certainly, most Japanese do not support anything remotely resembling the military build-up that led to World War II, but some citizens believe the SDF today is too limited in scope, mission, and size. "Japanese public opinion was moving already, but September 11 seemed to dramatize that anyone was vulnerable, and Japan couldn't sit on the sidelines in a post-September war," says Clemons. Indeed, though Japanese forces had not left their bases during wartime since 1945, in a poll taken last September by the *Mainichi Shimbun* newspaper, 63 percent of respondents supported dispatching the SDF abroad in support of the war on terrorism. Respond-

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ing to public opinion and American pressure, Koizumi convinced his compatriots to approve two anti-terrorism bills allowing the Japanese military to provide logistical support to the war on terror. Some Japanese politicians even began discussing whether Japan should obtain nuclear weapons as a deterrent against China.

Perhaps most important, some Japanese leaders have begun to demonstrate repentance for their country's behavior in WWII and comprehend the potential impact of military normalization on Japan's neighbors. Last October, Koizumi became the first prime minister to express "heartfelt apologies" for Japan's actions during WWII. Such apologies can have an impact, especially since many Asian countries these days are more afraid of China than of Japan. Indeed, after the campaign in Afghanistan began, both Australia and Singapore welcomed the deployment of Japanese ships to provide support to the United States.

R.E.S.P.E.C.T.

To upgrade its military, the Japanese public would have to acknowledge what everyone finds convenient to ignore: that Japan needs to reinterpret or amend its constitution, a potentially revolutionary change. As it stands, Article 9 is inconsistent with Japan's emerging place in Asian security. Conceivably, Japan could slip an expanded defense role past the strictures of Article 9. To do so, the Japanese parliament, or Diet, would have to affirm that the SDF clearly have the right to fire on vessels entering its waters, provide support to U.S. troops in Asia (i.e., in Afghanistan), and engage in collective self-defense. Engaging in collective self-defense would mean helping the U.S. defend waters, airspace, and land near Japan but not within Japan's territory; and assisting America's military in supporting key allies—i.e., South Korea—who themselves help preserve Japan's safety.

If Japan were to amend or reinterpret its constitution, it would also have to minimize the fears that would stoke in China and other Asian countries by apologizing more completely for its WWII behavior. Koizumi has taken many important steps towards a fuller apology, but other Asian countries would welcome new Japanese school textbooks that actually covered Japan's WWII crimes and a fuller hearing, in Japanese courts, of lawsuits by former comfort women.

To blunt opposition to normalization within Japan, as well as tensions between the SDF and the Pentagon, America would have to show respect to and increase coordination with the SDF. Former officers who served in Asia complain that, though more than 45,000 American troops are stationed in Japan, top commanders have little interaction with their Japanese counterparts, and enlisted men too often have little contact, except for embarrassing incidents with Japanese women.

This must change. Top American commanders should hold frequent consultations with Japanese strategic thinkers and defense administrators, inform Japanese leaders in advance of any new U.S. initiatives (like President Clinton rewording America's Taiwan policy during a visit to Beijing), and provide Japan with official representation at the Pentagon. Developing specific, transparent targets for a Japanese military revamp also would be crucial. "While we're pushing Japan to become more involved in collective self-defense, we should lay out a checklist of exactly what we mean: how many Japanese aircraft, exactly what role Japanese forces would play in patrols in Asian waters, whether and what kind of nuclear weapons Japan might build," says Giarra. "With each step towards Japanese military modernization, Washington should ask whether this change will build our alliance with Japan or detract from it."

America will have to use enormous skill and subtlety in pushing Tokyo to normalize its military, and its neighbors into accepting it—the kind of skill that persuaded Russia to accept an expanded NATO. In fact, to prevent Thailand, South Korea, and other Asian allies from hitting the ceiling over Japanese normalization, the U.S. could work with Asian partners to develop a multilateral, NATO-like structure in Asia suitable for combating 21st-century threats. Though an Asian NATO is something few administration hawks have yet discussed, the framework for such an organization has been built. Asian countries themselves have developed a multilateral security talking-shop entitled the Asean Regional Forum, in which the United States is represented.

Perhaps most important, Washington can emphasize that by having a more normal military, Japan would only be taking its place as a modern, peace-loving democracy. Indeed, having Japan operate alongside the United States, Britain, Germany, and other nations in a long-running war on terror or other conflict would demonstrate that membership in an "Axis of Good" of industrial democracies that attempt to improve global relations is not limited to Western countries. In an era where symbols matter immensely to a hyper-connected global audience, and the United States receives withering criticism for acting unilaterally, involving Japan more closely in American military and diplomatic planning, while remaining sensitive to Asian memories of WWII, would blunt foreign opposition to U.S. global strategy. ●

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Tidbits & Outrages

He claims he was running an undercover sting operation.

The second highest-ranking official in Washington, D.C.'s child-support agency is being sued for failing to pay child support.

They're still better than the Supreme Court.

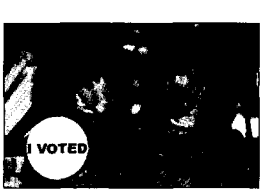
Al Gore must be relieved. Ralph Nader has teamed up with the League of Fans, a sports-industry watchdog, to launch a crusade against the "notorious" quality of NBA officiating.

DIDN'T HAVE THE ROCKS TO SIGN IT

The Oklahoma state Senate recently passed a 35-5 vote on a bill that would have castrated sex offenders...twice. A first offense would permit chemical castration; a second, surgical castration (which only Texas allows). A poll by an Oklahoma City television station suggested 75 percent of callers favor the bill, which Gov. Frank Keating vetoed.

You Bet Your Life.

Israeli police are probing a gambling ring suspected of offering odds on which city will be the target of the next Palestinian suicide bomber, according to Reuters. The shortest odds are in Jerusalem (3-2) and the longest in the Red Sea tourist resort of Eilat (17-1).



PARTY ANIMAL

A San Francisco man faces six months in jail and a $1000 fine fo registering his toy poodle, Barnabus, as a Republican. Donal Miller says he wanted to draw attention to the laxity of voter-reg istration laws, but was busted when Barnabus got a jury summons

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Account Down

If you think you're going to retire on your 401(k), think again.

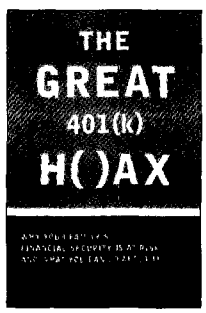
BY DAVID CAY JOHNSTON

MORE THAN 42 MILLION Americans, one in three with a job, have a 401(k) plan to defer part of what they make today for their old age. Survey after survey shows that Americans love their 401(k) plans and, except for the oldest workers, value them more highly than traditional defined-benefit pensions, which pay a lifetime annuity, are largely guaranteed by the federal government, and have been in decline since the 401(k) began two decades ago.

It's easy to understand why. Traditional pensions pay off big-time only if you stay with one company for a career, something fewer and fewer people do. If you switch jobs your benefits are frozen in the dollars of the year you quit, their value eroded by inflation. By contrast, 401(k)s come with a regular statement showing how much you have, and they are portable—when you switch jobs, you can roll your money over into an Individual Retirement Account.

So few Americans have ever had financial assets that getting a monthly statement showing shares of mutual funds can make one feel prosperous. As a leader of the Machinists union told me in May about his members—who all made less than $20 an hour—having a 401(k) plan makes working men think they are capitalists—until their jobs disappear and they have to cash in their mutual funds, paying a 10-percent tax penalty, just to feed the kids and keep a roof over their heads.

Anyone who watched their 401(k) mutual funds plummet 25 percent in the last two years may be wondering if the benefits of these instruments as retirement vehicles haven't been greatly oversold. And they are right to do so. The success of 401(k) plans is a triumph of marketing over sound policy, for despite their portability they are inadequate to the task set for them: to provide reliable income in retirement.



THE GREAT 401(k) HOAX: Why Your Family's Financial Security Is At Risk and What You Can Do About It
by William Wolman & Anne Colamosca
Perseus Books, $26.00

High fees make them inefficient. Contributors are at risk from kleptomaniac bosses. And overall, they are so heavily invested in employer stock—as in Enron and Global Crossing—as to make them a gross violation of the three basics of investing: diversify, diversify, and diversify.

In their generally excellent book, *The Great 401(k) Hoax*, William Wolman and Anne Colamosca show us how most of us are not so smart as we imagine when it comes to understanding value for our money. This timely book shows the real costs, and risks, of mass innumeracy. And the portrait it paints of the investment skills of most Americans raises serious doubts about the Bush administration's proposal to allow workers to invest two percentage points of their Social Security taxes on Wall Street.

Wolman, recently retired after a long career as the economics editor of *Business Week*, and Colamosca, a freelance writer who is his wife, skillfully cut through the gloss used to market these plans. The authors present a marvelous synthesis of the literature of the Roaring 20s and relate it to the Soaring 90s, reminding us of Mark Twain's observation that "history does not repeat, but it rhymes."

DAVID CAY JOHNSTON *is a Pulitzer Prize-winning reporter for* The New York Times.

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They show how, during a two-decade period of asset inflation, 401(k) plans were marketed as the solution to the financial needs of Americans, who, the authors say, were told that they could prosper from ever-rising stock prices without being cautioned that stocks can also lose value and go for long periods with no growth. Behind the marketing, the authors reveal a larger scheme to relieve corporations of the long-term burden of funding traditional pension benefits and to fatten the bottom lines of Wall Street investment firms. The 401(k) typically costs businesses much less than traditional pension plans, and, not surprisingly, leaves many workers much worse off than they would be under the old system, even with several job changes during their careers.

Anyone who watched their 401(k) mutual funds plummet 25 percent in the last two years may be wondering if the benefits of these instruments as retirement vehicles haven't been greatly oversold.

Special K

One important piece of this story that the authors do not present is how accidents of law, one man's enterprise, and journalism combined to make the 401(k) a household word. The story begins with a 1978 tax bill which, without debate or any public record of its sponsor, added a (k) to Section 401 of the Internal Revenue Code, which deals with pay deferrals.

A smalltime benefits consultant named Ted Benna realized, as did many others in his field, that this little addition opened new opportunities for workers to squirrel away part of their pay. But only Benna, unable to persuade a banking client to adopt a new retirement plan based on the new law, sought a ruling from the Internal Revenue Service on the law's uses. He got a favorable decision, and tried to get news coverage of his idea, only to be rebuffed by both *The Wall Street Journal* and *The New York Times*. But Craig Stock of *The Philadelphia Inquirer* wrote up Benna's idea, prompting a flood of telephone calls. From there, the 401(k) quickly became America's favorite retirement savings plan.

Initially the 401(k) was promoted as a supplement to pensions and as a way to provide retirement savings for smaller employers without such plans. Quickly, though, many companies replaced their pension with a 401(k).

While sloppy news organizations often use the word "pension" when writing about a 401(k), they are in fact very different. In a pension, money is set aside in an investment pool to finance benefits from retirement to death. The employer assumes the investment risk and the government guarantees most benefits. The benefit formula is usually based on years on the job, multiplied by a percentage of salary in the last five years of work. With a 401(k), the worker typically defers money from his or her paycheck and the company matches a portion of it, most often 25 cents on each dollar saved up to a very low limit, often $1,000 or less for the match. The worker assumes the risks of investing with no government guarantees.

Despite all the shares of stock in 401(k) plans, the authors note, the wealthiest 10 percent of Americans still own 85 percent of all stocks. At the end of 1998, half of all 401(k) accounts held less than $16,000. The average balance for people in their sixties was $117,300—hardly enough to get an elderly couple through five years of retirement, much less 20 or 30 years.

These figures tend to be understatements because many people move their 401(k) savings to Individual Retirement Accounts when they switch jobs. (However, five out of six people changing jobs also dip into their rollover, spending some of their nest egg.) While the 401(k) has only been around for two decades, few people are likely to build career-end balances that are much larger than the low six figures simply because so few workers make enough to save much, if anything, during their twenties and thirties.

The authors go on to show convincingly that no matter how you slice the numbers, the 401(k) is not up to the task of providing a secure retirement income, especially in a world in which half of all women who turn 50 this year are expected to live into their nineties. One key problem with 401(k) plans, as opposed to pensions, is that one must make sure to save enough extra money so the funds do not run out before life does. That requires a large cushion for each individual, larger than in the kind of efficient risk-spreading pool that is a pension fund.

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Gilded Eggs

Those 20-percent-plus annual gains in share prices in the mid-1990s made many people feel rich. But that was a short-term phenomenon, which, the authors predict, will be evened out by losses or modest gains which may endure for a decade or more.

If stocks rise an average of 1.9 percent annually above inflation, they calculate, $1,000 saved today will be worth just $1,457 two decades from now. Consequently, if you saved $10,000 annually from age 40 until retirement at age 65—a mammoth sum for most Americans—and earned 1.9 percent above inflation, you would have $305,000 saved, enough to spend a bit more than $1,200 per month.

Wolman and Colamosca's assessment is blunt: "We believe that the capital gains game envisioned by 401(k) proponents has all the makings of a Ponzi scheme," by which they mean, not that the market itself is a fraud, but that people were lured and continue to be lured into buying stocks at such high multiples of their earnings that many of these 401(k) savers will die before their stocks will grow in value.

The authors do have a practical suggestion for 401(k) savers, one that makes sense for those who expect to tap their funds within the next two decades: Buy bonds.

Fat fees also erode returns. Exxon-Mobil, a company that knows how to wring value out of a dollar, manages its pension fund for less than a nickel per $100 invested, but the authors say that many 401(k) plans charge $2.40 per $100, which is 48 times as much. These fees for investment advice, trading, and record keeping are not explicitly stated, however. Instead, they are subtly bundled into the overall annual returns, making them invisible.

The authors do not dwell on it, but the design of most 401(k) plan statements also can leave participants believing, as the Beardstown ladies did, that they are earning fabulous investment returns when much of the growth in their account balances comes from new contributions, not the market.

Even if the economy does well, a 7-percent annual return above inflation is the best investors can expect, the authors write. Subtract a 2.4-percent annual fee from that and it will take more than 15 years for a dollar saved today to double. (Similarly, for the half of workers who make $26,000 or less, President Bush's proposed 2 percent release of Social Security into private funds would come to just $520 annually. It takes a balance five or six times that amount for an investment house just to cover their costs, and even that requires fees far above the minuscule administrative costs of Social Security.)

The authors also show how 401(k) plans restrict investment decisions, such as timing purchases and sales, in ways that tend to depress returns. Workers in 401(k) plans typically get a narrow range of mutual fund, bond, and money-market offerings picked by management. They have limited rights to shift assets within these choices and often cannot get out if their investment is in their employer's stock, even if it plummets as Enron's did.

And, in many plans, workers' voting rights to their 401(k) shares are severely limited. Management can even vote the stock against the wishes of workers in some cases.

Most significantly, 401(k) plans shift investment risks from employers to workers, many and perhaps most of whom are ill-equipped in terms of knowledge or nature to invest for a financially sound retirement.

Finally, 401(k) plans—and their siblings, the 403(b) for nonprofit workers and the 457 for government workers—work best as one leg of a three-legged stool. The other legs are Social Security and pensions. But for many employers, there is only a two-legged stool wobbling beneath the workforce, a 401(k)-type plan and Social Security. The net result of 401(k)-type plans has been to send the Boomers hurtling toward the winter of their lives without the resources to make this season their golden years.

What to do? The authors suggest raising Social Security benefits. Not likely today. They also suggest revising the laws governing pension plans, which require that these investment pools be used solely to benefit the workers and yet remain the property of employers, creating inherent conflicts. A good idea, but also not likely to catch Washington's attention.

Another option would be more of the new so-called "cash-balance plans," which provide a guaranteed income stream backed by the government, and yet are also portable like the 401(k). These could help make pensions work for a nation of job-hoppers. Unfortunately, cash-balance plans have acquired a bad reputation because some big companies used them as cheapskate replacements for their traditional pension plans.

Even if you are a diligent saver, and turn out to be a brilliant investor, the fact that millions of others are not may become a problem for you. When millions retire with too little to get by they are going to be mad. And like other older Americans, they are going to vote. Washington may then give them more Social Security benefits, tax breaks or other help. And to pay for all of that, what would look more attractive than to tax your nest of golden eggs? ●

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Vow-To Books

Liberals and conservatives now agree that the institution of marriage needs help. But neither side knows what to do about it.

BY LYNDA MCDONNELL

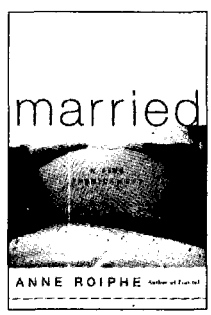
ON THE AUGUST DAY WHEN MY husband and I were married, the priest's homily clashed with the careful harmony of an ode set to Beethoven and bridesmaids in patchwork skirts. He cited statistics on the chances of divorce: low if you were Catholic and active in your church, higher if you believed in God but slept in on Sundays, off the charts if you were an atheist who lived in California.

I wondered then if he was slyly placing odds on the durability of our new-made marriage. More likely, he was warning us. It was 1975, when the notions of open marriage and no-fault divorce looked ominous, and for a priest in small-town Minnesota, California seemed like the epicenter of apostasy and new twists on sin.

None of us had yet seen the dreary consequences of treating fidelity as passé and marriage as a pact that could be traded like a used car when it started riding rough. We know better now. Pick your indicator: One-third of U.S. births are to unmarried women (it's nearly 70 percent among African Americans), and the rates continue to climb. The assorted damage inflicted upon children by poor, neglectful, and abusive families—all of which are more common in single-parent homes—is well documented.

Meanwhile, the young adults whose parents married in the 1970s are cohabiting more and marrying later, if at all. True, the divorce rate for first marriages has fallen to about 43 percent from 50 percent. But analysts believe the decline has more to do with rising rates of cohabitation, which takes the worst risks out of the marriage pool, and a growing incidence of divorce later in life, than more hopeful developments. For second marriages, the divorce rate remains at about 60 percent.

Many young men and women want the affection and security of marriage but can't seem to find the right partner or are themselves unwilling to commit. As essayist Anne Roiphe writes in her new book, *Married: A Fine Predicament*: "There is abroad in the land an acute anxiety about marriage." While President Bush wants poor people to get married, various social critics urge middle-class Americans to stay married.



MARRIED:
A Fine Predicament
by Anne Roiphe
Basic Books $25.00

A crop of new books assesses why our collective hopes for marital bliss have soured and what might be done about it. Viewed together, they reflect a surprising consensus that has emerged of late between liberals and conservatives over the virtues of, if not the road to, holy matrimony. It's a consensus that's been largely overshadowed by recent partisan debates over whether the government should be getting involved in such private decisions as to whether poor people ought to get married. But this new development represents something of a détente in the 30-year culture war over gender roles, family values, and the meaning of tying the knot.

Among the authors to take on the subject recently are Roiphe, criminologist James Q. Wilson, and E. Mavis Hetherington, an emeritus psychology professor at the University of Virginia who has studied families for decades. Roiphe and Wilson are the yin and yang of the marriage debate—a liberal feminist focused on the marriage gap for middle-class women of her daughters' generation, and a conservative criminologist concerned about out-of-wedlock births among poor, inner-city minorities.

But both are partners in long and happy marriages, and they share a deep concern about the erosion of marriage and families. They agree on several fundamentals:

LYNDA MCDONNELL *is a writer and educator in Minneapolis.*

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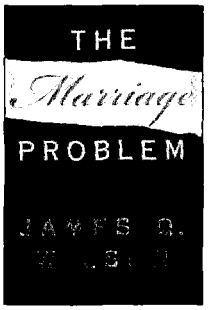
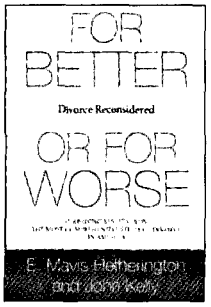
Marriage is valuable to society and individuals, particularly children; living together is not the same as marriage—it's generally short-term, shallow-rooted, and emotionally bruising; the value our society places on personal freedom conflicts with the compromise and support needed for marriage; many people expect too much and give too little in marriage.

But their paths to this common ground could hardly be more divergent. Roiphe writes in lyrical terms from the emotional heart of marriage, drawing from the miserable marriage of her parents, her own unhappy first marriage, and then her present happy one, which has endured for 34 years. Her tone is wryly maternal; one pretext for writing the book was to persuade her unmarried daughters that, despite its obvious risks, marriage is worth the plunge.



THE MARRIAGE PROBLEM:
How Our Culture Has Weakened Families
by James Q. Wilson
HarperCollins, $25.95

Wilson's *The Marriage Problem*, meanwhile, probes marriage in a more detached fashion. He scans anthropological reports, sociological studies, and historical accounts for the causes and effects of the breakdown in marriage and suggests possible remedies. While Roiphe focuses on what happens in private, between husband and wife, Wilson looks to welfare policy, the history of the Enlightenment, and the legacy of slavery.



FOR BETTER OR FOR WORSE:
Divorce Reconsidered
by E. Mavis Hetherington and John Kelly
W.W. Norton & Co., $26.95

Both writers face a fundamental dilemma. Marriage is clearly a good thing for society. It promotes social stability, the well-being of children, better health, higher incomes, and more family support during illness and life's other travails. Being loved and honored in an enduring relationship is good for people. The long and contentedly married even have better and more frequent sex. (Take that, Hugh Hefner.)

But those findings aren't enough to sell marriage to much of the public or to sustain those whose marriages are on the rocks. Moreover, not every marriage is good for the individuals involved, and even Wilson rejects the popular conservative notion that government can fix the problem by making divorce more difficult or marriage more financially attractive. Yet insistence on maximum personal freedom conflicts with the compromise and mutual support necessary for successful marriages. As Roiphe points out, "Freedom is a wonderful, heart-raising ideal, but not so helpful in the house."

Clearly the terms of the marriage compact have changed as women work more, earn higher incomes, and are more able to have children without marriage. Among the middle-class families Hetherington studied in *For Better Or For Worse*, women initiated two-thirds of the break-ups. They expected more emotional depth and companionship from marriage than their husbands provided and were less willing than their mothers might have been to stick it out for children or financial reasons.

Some of Wilson's data—and there's a blizzard of it—seems designed to scare women into marriage. He discusses at length the problem of a low marriage ratio—too few available men for women of the same race, age, and education levels—and notes that the problem worsens after age 25 for college-educated white women.

The logical conclusion for young unmarried women is to grab your man early and hold on—not particularly helpful advice for women trying to choose carefully and for keeps. Women like Roiphe's daughters are unlikely to scare so easily. Moreover, perhaps it's men who should be more frightened. In Hetherington's study, more men suffered as singles after divorces; they had far less contact with their children and weren't as skilled as women at building networks of friends to sustain them.

If there are flaws in these books, it's that both Roiphe and Wilson seem rushed, as if the writers and publishers knew they needed to hurry to catch this wave of interest. Both also remain on opposite sides of the policy vs. personal divide.

Roiphe's book is an incisive essay on marriage that seems padded to make a book. So we get literary examples and psychoanalytical babble that divert us from her insights into the issues small and large that enhance or destroy marriages. And she says little of the larger social and policy context that might encourage and sustain marriages. Without a moral or religious underpinning for marriage, without stigma to discourage out-of-wedlock births or easy divorces, liberals are left propping up marriage on the slender pillars of personal satisfaction and commitment. Is that enough to sustain marriage?

She acknowledges the problem: "Determination is essential if divorce is to be avoided. You need some bottom line sense that the family, the marriage is not to be questioned, is not to be broken, is sacred and must be treated as such no matter what ... The forever after part cannot be tentative, just until the weather turns; it must be absolute if the marriage is to have a chance for a long life."

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But her remedy is tongue-in-cheek: arranged marriages. Watching her own daughters cycle through various romantic interests and live-in boyfriends, she muses that the young, especially in our culture, focus too much on romantic love and have no cultural guides. Despairing over her daughters' enduring single status, Roiphe is certain that parents like her could speed up the selection process and choose mates based on the steadier categories of class, status, wealth, and family connections. "We simply do not always want for ourselves what we ought to have ... Our freedom of choice sets us loose in a bewildering herd of our contemporaries," she writes. One can only imagine the rolled eyes when she ran that past her daughters. Again, sons may need guidance more than daughters. Hetherington found women to be pretty hard-headed in choosing their mates; men were more apt to swoon over looks and style.

On the other hand, Wilson's omnivorous examination of marriage—his footnotes cite studies on everything from jealousy to family patterns in sub-Saharan Africa—can leave the reader intrigued but baffled by how the disparate pieces relate. Meanwhile, he pays little attention to the day-to-day behavior—such as men's still-paltry contributions to housework and child care—and choices that determine whether marriages endure.

What to do? These books are not manifestoes, full of certainty and wind. None of them has a sure-fire answer for what ails our families. They all approach the question of remedies with some humility, even quirkiness. Wilson reminds us that other cultures have used polygamy as a remedy for excess supply of women but acknowledges that this won't fly in Western cultures. So he suggests instead better PR for marriage, more stigma for out-of-wedlock births, more effort by churches and other private groups "to inculcate self-control" into young people, much as the YMCA, temperance movement, churches, and other organizations did in the Victorian era.

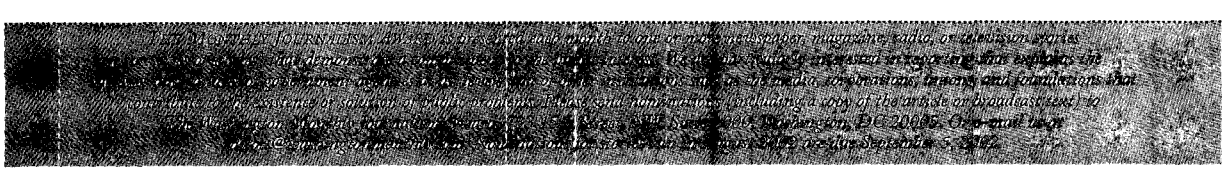
The skills that make for successful marriages are easily stated. Here's Hetherington's list: "learning how to compromise, to be sensitive to each other's needs and feelings and to support each other in difficult times." Deal with problems that can be fixed, and don't fixate on those that can't. Mutual respect, friendship, and support sustain marriage; hostile criticism, contempt, and withdrawal undermine it. After 27 years of marriage to the man the priest tried to warn me about, I well understand Roiphe's conclusion that what is so easily written can be so difficult to live. In the end, as these books make clear, dogma isn't the answer, and eventually both liberals and conservatives may reasonably conclude that trial and error might be. ●

The Washington Monthly's Monthly Journalism Award

Ron Suskind

"Mrs. Hughes Takes Her Leave"
Esquire, July, 2002

Pulitzer Prize-winner Ron Suskind was reporting his profile of Karen Hughes, Bush's most trusted adviser, right before she announced in April that she was leaving the White House to take her family back to Texas. As a result, Suskind found himself documenting a major upheaval in the West Wing, one that reveals the kinds of power plays and raw emotions that the administration usually has kept hidden. He presents, among other things, a startlingly frank chief of staff, Andrew Card, openly fretting that Hughes's departure will tip the balance of power to the more conservative Karl Rove, and a Karen Hughes strong, spiritual, and just wanting to go home.



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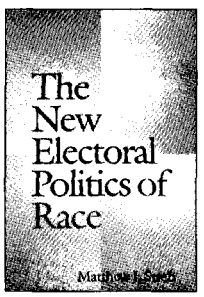
Folding the Race Card

As an open, divisive political issue, race isn't dead—but it's dying.

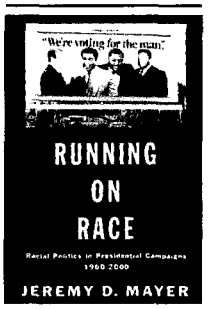
BY JIM SLEEPER

"RACE IS OVER," THE WRITER STANLEY Crouch has declared, meaning that it no longer drives American public discourse—not that it no longer matters in public housing, schooling, policing, or the job market. Even in those realms, though, racial rhetoric and remedies that seemed sacred for decades are being sidelined by demographic and cultural sea changes (multiracial families and immigrants whose notions of race are fluid) and by economic currents that have made many nonwhites "middle class." Even amid ethnic pluralism, color no longer works well as a marker of cultural differences now that Americans are shedding the racial apartheid of the past.

Yet racial thinking can remain perversely comforting: It can seem to make instant sense of suffering when actual causes are more complicated. It can simulate "community" and social purpose for "people of color" and for others whose formative political commitments were shaped by race. Playing the race card still works sometimes for ideologues and opportunists—black as well as white, left as well as right—who would turn racial victimization (white against black or vice versa) into a weapon and suspicions into self-fulfilling prophecies of racial Armageddon. We need not only better social conditions but also statesmanship wise enough to advance self-fulfilling prophecies that are positive, not destructive.



THE NEW ELECTORAL POLITICS OF RACE
by Matthew J. Streb
University of Alabama Press, $39.95



RUNNING ON RACE: Racial Politics in Presidential Campaigns, 1960-2000
by Jeremy D. Mayer
Random House, $24.95

Two new books by young political scientists hold out hope for such leadership by cutting through the racial pieties and opportunism that have framed too many election campaigns. Matthew Streb's *The New Electoral Politics of Race* and Jeremy Mayer's *Running on Race* don't revive leftist hopes that blacks will lead some revolutionary or even just progressive or multicultural politics; nor do they vindicate conservative hopes that "the black vote" is up for grabs or, failing that, irrelevant to the Right. Rather, these two dry-eyed but sharp analyses of how racial issues have played in seven states' pivotal gubernatorial elections (Streb) and in the presidential contests since 1960 (Mayer) raise the possibility that race as an open, divisive political issue is dying, if not dead.

Streb's close-grained but accessible account of gubernatorial contests in Alabama, Georgia, Arkansas, and Virginia in the South, and in Ohio, Iowa, and Massachusetts in the North, poses "the racial puzzle" that even where voting remains racially polarized, race is now "the missing issue" in campaigns. It has always been politically dangerous for a candidate to side openly with African Americans on whatever divides them from whites, but Streb shows that it can be just as risky to side explicitly against them, which can boost black turnout against a candidate and alienate white middle-class voters who dislike the tension, if not the injustice, in race-based appeals. What matters is the

A new edition of JIM SLEEPER'S Liberal Racism *will be published by Rowan & Littlefield this fall.*

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proportionate size of a state's black and its white poor and working-class populations, the latter potentially aroused by portraits of black peril. Electorates have changed immensely, Streb notes: After 1954, the *Brown* decision made some Southern campaigns even more race-baiting than before; but as the Voting Rights Act of 1965 brought blacks to the polls, white politicians' racial rhetoric subsided and white voters' views began to change.

But how irreversibly? Streb studies exit polls, newspaper coverage, and campaign participants' comments to him to test hypotheses such as this: The more black a state is (above 25 percent of the whole, as in Alabama), and the more of its whites who are working class or poor (more than 12.1 percent, as also in Alabama), the more likely a Republican will gain by raising racial issues such as affirmative action. He or she does risk increasing black opposition but may capture politically volatile, hard-pressed whites who might have responded to a Democrat's more class-based appeals.

I can imagine some campaign consultant saying "Duh" to some of Streb's discoveries, finding them commonsensical. But Streb shows how a party can use its "ownership" of an issue to sway part of a constituency it usually doesn't win: In Alabama, Arkansas, and Georgia he shows Democrats muting support of affirmative action and touting initiatives in education and childcare which whites, too, support. Republicans competing for those same whites might wave the Confederate flag, but if they fear alienating blacks and moderate whites, they might emphasize religion instead, vowing to keep prayer and the Ten Commandments in schools and other public places. The choice is inflected by a candidate's record, values, and style; racial messages can be coded subtly into seemingly race-neutral appeals.

"It is not that race is now unimportant, it's just that the way we talk about the subject has changed," Streb cautions. But, finding blacks frustrated at being taken for granted by Democrats, he sees possibilities for black bipartisanship—and, with it, more constructively competitive, class-sensitive politics—if more Republicans like Arkansas' Mike Huckabee and Virginia's James Gilmore build strong bridges to black constituencies. Although he studied only statewide contests, Streb might also have noted race's declining significance in the 1996 congressional elections and their sequels, in which hundreds of thousands of Southern white voters rebutted widespread presumptions of racially polarized voting by re-electing black incumbents who wound up in majority-white districts after the Supreme Court invalidated ambitious racial districting.

The more agonistic and opportunistic side of racial politicking dominates Jeremy Mayer's account of racial follies in presidential campaigns. Although since 1988 there has been a healthy softening of racial appeals, they haven't disappeared. After Truman's bold embrace of a civil rights plank (and Strom Thurmond's Dixiecrat revolt) in 1948, most presidential contenders before 1992 (except for Lyndon Johnson in 1964) worsened the American Dilemma either by pandering to racial animosities on the campaign trail or by ducking them. More recently, whatever their racial views, candidates have bowed to an ethos of tolerance and diversity, sometimes signaling discomfort with it, but also ducking its comparatively more benign problems.

Mayer revivifies some well-known episodes but also confounds some complacent memories that congealed over time. Throughout 1959 and the 1960 campaign, Martin Luther King, Jr. quietly but clearly backed Richard Nixon, a card-carrying NAACP member and a more ardent supporter of civil rights than John F. Kennedy. As Kennedy courted the South for the Democratic nomination, he voted to undermine both the 1957 Civil Rights Act and, later, his own party's 1960 civil rights platform. He was often not only a canny strategist but so consummate a hypocrite that even the historian and Kennedy adviser Arthur Schlesinger, Jr. was quoted

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in 1960 admitting that Kennedy was "slightly soft" on civil rights—a reckoning whose own softness foreshadowed David Gergen's later acknowledgment, also noted by Mayer, that Ronald Reagan was "not a crusader" for civil rights. Kennedy double-dealt his way around racial controversies until his stagey telephone call to Loretta Scott King during her husband's imprisonment launched him on what became as believable a pilgrimage as Jimmy Carter's against injustices both men had abetted for most of their lives.

Mayer shows that callow politicos can grow into statesmen when civic leaders such as King force real issues. Johnson, picked by Kennedy to keep the "Solid [segregationist] South" Democratic in the 1960 election, risked his political skin to pass the 1964 Civil Rights Act and drag Democrats through a wrenching break with legal segregation. Nixon sinuously widened that fissure by promoting affirmative action, but Johnson's real polar opposite in racial campaigning was George H.W. Bush, whose 1988 Willie Horton tactics will remain in the history books and whose eight different, evasive, finger-pointing pronouncements on the Los Angeles riots of 1992 made him seem both inept and hypocritical.

We need statesmanship wise enough to advance self-fulfilling prophecies that are positive, rather than destructive.

It is often forgotten that Bush's 1992 opponent took a break from campaigning to kill Ricky Ray Rector, a retarded black man; Bill Clinton was playing hardball after having watched Michael Dukakis fold in 1988. Not to be upstaged by Bush's commendable dissing of Pat Buchanan's racist demagoguery, Clinton also refused to be upstaged, as Walter Mondale had been, by what New Democrats viewed as another kind of racial demagoguery at the hands of Jesse Jackson: He chose Jackson's Rainbow convention for an attack not on white racism like Buchanan's but on the racial pyrotechnics of Sister Souljah.

Mayer carries his racial epic through George W. Bush's visit to Bob Jones University and his Disney-like deployments of black faces during the 2000 Republican national convention, and through Al Gore's tub-thumping, slightly surreal civil-rights oration at the Ebenezer Baptist Church. He sketches a racial learning curve over the years as candidates studied their predecessors' follies and the electorate became racially more complex. Surely the most encouraging irony of the whole procession is the two latest chief executives' ease with nonwhites: Clinton's comfort zone with African-Americans is legendary, and it's hard to imagine blacks escaping at least a sneaking pride in George W. Bush's close reliance on Condoleezza Rice and Colin Powell in the war on terrorism. The ease that Bush and his brother Jeb show with Latinos is well known—perhaps especially because Jeb's marriage is one of those interracial unions that are blurring the old racial lines.

At times, Mayer's own presumptions get the best of him; his reprises of controversies over affirmative action and his prognostications about black bipartisanship would be richer had he noted that not just Ward Connerly but 25 percent of black voters opposed affirmative action in California's Proposition 209 referendum. But his optimism that "Changes in the American conception of 'race' will eventually make their way into presidential campaigns" is sustained and persuasive through most of these accounts.

Both of these books seriously reckon with race's problematic presence in politics, which we can hope is lurching toward resolution. The question, of course, is whether that resolution really will leave race mostly behind, or whether it will bring more of the current official race-labeling, which creates new divisions by parceling out the commonweal along lines of a bureaucratically color-coded "diversity." Neither book reinforces predictions of a "racism forever" mindset dominating either the Left or the Right. But rather, both see signs that race is declining in significance in campaigns—at least in what is said and done openly. Whether Stanley Crouch was right to insist that "Race is over" depends not just on the economy but on leadership that responds to voters who look past both racial animosities and pieties. ●

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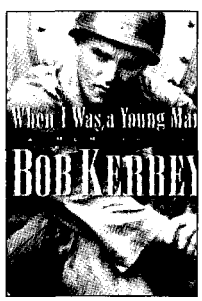
Political Booknotes

Young Gun

By Walter Shapiro

EVERYONE WHO HAS COVERED politics in the last decade has their Bob Kerrey story. For me, the emblematic Kerrey moment was sitting with the Nebraska senator in the bar of the Hotel Fort Des Moines after Al Gore had pummeled his primary candidate, Bill Bradley, in a debate before the 2000 Iowa caucuses. Kerrey kept talking analytically about all the ways in which Bradley should have been more aggressive in taking on the vice president. The frustrated ambition beneath the surface was palpable. You could see Kerrey thinking, "I would have destroyed Gore. This could have been my year. But, dammit, I couldn't have raised $30 million like Bradley."



WHEN I WAS A YOUNG MAN:
A Memoir
by Bob Kerrey
Harcourt Brace, $26.00

In truth, Kerrey could never have been elected president. Not in 1992 when he ran a diffident and unfocused primary campaign against Bill Clinton, not in 2000 when he yielded to the realities of political fund-raising, and not in 2004 had he stayed in the Senate. For Kerrey, who had lost part of a leg and gained a Congressional Medal of Honor in Vietnam, was haunted by a secret that would likely have destroyed his political career. Writing in *The New York Times Magazine* in April of last year, Gregory Vistica accused Kerrey and his Navy Seal team of participating in a 1969 massacre of women and children at Thanh Phong. At the time, Kerrey, while acknowledging that horrible night, denied any recollection of the specific charges of deliberate slaughter leveled by one of the Seals under his command.

Advance knowledge of that back story is a precondition for reading *When I Was a Young Man*. For the uninitiated, Kerrey's uninflected memoir of his life until 1970 makes for a curious book. With its large type and generous margins, this chronicle seems to be mostly prelude with little payoff. Do we really need an entire chapter on Kerrey's struggles to make the first-string high school football squad? Yes, there are the occasional nice bits such as his description of the football field as "a place where a man can recall an afternoon or evening of his youth with absolute clarity." But we must also endure, with our fingers pinching our nostrils, Kerrey likening "the acrid smell of the locker room" to "my uncle Ronnie's turkey coops on my mother's family farm near Ripley, Iowa." The uplifting moral that Kerrey derives from this gridiron experience should be familiar to readers of standard artless political autobiographies: A small nose-guard scar would permanently remind him "how close I had once come to quitting and how much of a payoff there was for perseverance."

The first two-thirds of the book can be easily summarized as a young man comes of age in the 1960s in Nebraska, trains to be a pharmacist, enlists in the Navy to avoid the draft and displays enough military mettle to be recruited for the Seals. Until Kerrey arrives in Vietnam, it is hard to regard *When I Was a Young Man* as anything more than the pedestrian recollections of a bankable author who later became famous. That is, unless we have been nervously waiting for Kerrey's account of what happened on his first mission in Vietnam, a raid on a purported Vietcong meeting in a Mekong Delta village called Thanh Phong.

As Kerrey admits, he made the fateful decision to go forward with the attack even though he was told that "there were innocent noncombatants in the village." Just to be careful, the young officer arranged for a daylight surveillance flight that "confirmed that there were no women and children in the area." But when Kerrey and his team arrived at night, they discovered that the Vietcong meeting site had been hastily abandoned. And unfortunately, a group of women and children, awakened from nearby homes, had gathered outside. What follows in just four sentences is the event that has haunted Kerrey for 33 years. The Seals were suddenly shot at from the direction of the women and children, "trapping them in the cross fire." In response, the Americans unleashed a barrage of fire. Kerrey recalls, "I saw women and children in front of us being hit and cut to pieces."

So what are we to make of this story? More precisely, what moral do I, an anti-Vietnam War crusader who reveled in my 4-F deferment, draw from Kerrey's confessional? Three decades removed from the passions of Vietnam, I am willing to cut Kerrey slack. A terrible war forced good people to participate in terrible events. I believe Kerrey when he writes, "In truth, I remember very little of what happened in a clear and reliable way." I accept his judgment —and the nightmares that went with it—that "the young, innocent man who went to Vietnam died that night... I had become someone I did not recognize."

But it is a mistake to view *When I Was a Young Man* solely through the prism of Vietnam. In a preface, presumably written after September 11, Kerrey explains that he wanted to tell his story "because of the powerful needs that oppose remembering the bad with the good when we Americans rev up our patriotic engines." At a time when many liberals (neo- and otherwise) have been seduced by the notion of a preventative war against Iraq, it is worth recalling that sending young soldiers into combat is not always as risk free as the Gulf War or Afghanistan. That reality cannot simply be dismissed as an unfortunate residue of the Vietnam Syndrome. War can foster heroes, even ambivalent ones like Kerrey who almost refused his Congressional Medal of Honor. But it can also create burning flesh and ghastly wounds, as Kerrey underlines in a moving account of his convalescence after losing part of his right leg on his second and last mission in Vietnam. *When I Was a Young Man* tells the story of a patriotic era when Americans grew up believing that they could do no wrong because their hearts were pure. A patriotic era dangerously similar to today.

WALTER SHAPIRO, *a* Washington Monthly *contributing editor, is the political columnist for* USA Today.

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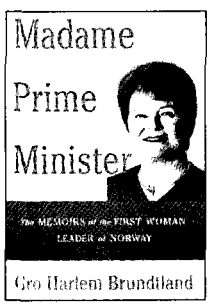
Norwegian Good

By Ann Crittenden

I REALLY WANTED TO LIKE THIS book. The author, Gro Harlem Brundtland, was the first female Prime Minister of Norway, and is currently director-general of the World Health Organization, the first woman elected to head a major U.N. institution. More to the point, Brundtland, a physician who raised four children, is a social democrat who fought tirelessly for the pro-choice and family friendly policies that have made Scandanavia a model for women's advocates around the world.

What stories this woman could tell! How did she ever manage to combine all of her accomplishments with the responsibilities of a large family? Just exactly how did the progressive social policies of which she is so proud come about? After all, Norway has a strong conservative party. How was the country persuaded to accept a progressive welfare state, including, in 1993, a paid maternity leave of one year, with four weeks reserved for the father? And in 1994, the right of parents to take six months of that leave in the form of six-hour days on full pay until the child is almost three years old?



MADAME PRIME MINISTER
by Gro Harlem Brundtland
Farrar, Strauss & Giroux $25.00

Readers looking for thoughtful reflection on these and other issues will be disappointed. Brundtland's autobiography is like those of so many other dignitaries, particularly those who are still in public positions and have every reason not to burn any bridges. The book is a compendium of "I did this, I did that; I flew here, I flew there; I worked on this commission, then that one, and we received accolades for our report." The author provides ample details on the ins and outs of her ups and downs in Norwegian politics from the 1970s to the 1990s, which may be of great interest to her Norwegian readers, but are as gripping to most Americans as reading the phone book. One has to wonder if this is what we can expect from the memoirs of Hillary Clinton, another consummately public woman whose similarities are striking. (The two met in Washington in 1993, during Hillary's attempt to reform American health care. Brundtland reports that "her attitudes in many respects echoed my own social-democratic approach.")

The book's lack of analysis may be a reflection of Brundtland's personality. She presents herself—convincingly—as a forthright straight-shooter, blessedly self-assured. Her self-portrait borders on self-righteousness. She is always on the side of truth and justice; readers will search in vain for the usual excruciating compromises and lesser evils that more mortal politicians are forced to accept. For feminists, this persona does have its charms. She quotes her own state secretary for public relations' observation on her "complete lack of veneration for the 'older, wise gentlemen' who were used to deference from younger women." But for lovers of irony and complexity, her character is less than compelling.

Brundtland's personal life is depicted as an idyll in the beginning, with idealistic and politically active parents, and continuing with supportive husband and family, who share a spacious old house and two modest vacation homes, one for winter amidst snowy cross-country ski trails, and another summer cottage on a lake (not to mention a seafaring sailboat).

Readers are forced to piece together the reality behind this picture postcard, although Brundtland is quite frank about her domestic division of labor. She tells us that she was able to play the leading role in her children's lives while her oldest two children were small, by working a flexible schedule as a public health doctor. Then, when her career began to soar (she became minister of the environment at 35, and prime minister only six years later) her husband became the primary caregiver. We learn that he got home from work at 5 p.m., and had dinner with the kids while she worked late or traveled two or three weekdays out of five, and many weekends as well. We discover that he was a man "who was used to cleaning the house on Saturdays because both of his parents worked." He organized the children to make scrapbooks of their mother's accomplishments, and most astonishing, to this reporter, he ironed her dress on the morning of her swearing-in as prime minister in 1986, while she washed her hair.

Brundtland is clear that to succeed, this arrangement required more than concessions and support from her husband. It required her to give up what many other ambitious women cannot part with: the satisfaction of being the boss at home.

But this was the least of her life's losses. The darkness that stalks the human condition finally claimed its place in this family as well. The Brundtlands' youngest child, Jorgen, committed suicide in 1992 at the age of 25, after a long bout with manic-depressive illness. Brundtland struggles to make sense of this tragedy, and it is painful to read her agonizing, finally inevitable self-doubts: "Why didn't I do this; maybe we could have done that ... " She seems to have alleviated her torment the same way she has tackled every other challenge: through hard work and good works, based on a belief in better social policy. She ends a chapter on Jorgen's death with this sentence: "We must work to improve our understanding and treatment of mental illnesses, and take much more seriously the task of actively defusing the risks of suicide in such cases."

Brundtland's pragmatic, enlightened approach to humanity's ills appears to have found a perfect home at the WHO. Her book concludes with an optimistic call to action against the major health scourges of tobacco and tuberculosis, HIV/AIDS and malaria. She writes that she has found the answer to the question she has asked herself all her life: Am I a doctor or a politician? She is clearly both, and given her power to influence improvements in world health, we shall all probably gain for that. But what Brundtland is not is also clear from this autobiography: a writer.

ANN CRITTENDEN *is a former* New York Times *reporter and the author of, most recently,* The Price of Motherhood.

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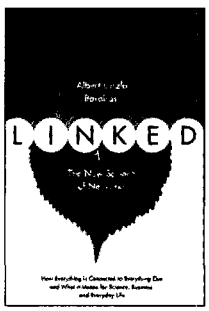
Net Gain

By Nicholas Thompson

ALBERT-LASZLO BARABASI HAS A theory that he thinks may explain the spread of cancer, the Asian economic meltdown, and the ubiquity of Washington insider Vernon Jordan. To understand it all, you have to follow a simple rule: "Think networks."

To illustrate his point, Barabasi uses the famous game, "Six Degrees of Kevin Bacon," in which the second-tier movie star can be linked with almost any other actor in a couple of simple steps. Charlie Chaplin, for example, was in *A King in New York* with Robert Arden, who was in *Little Shop of Horrors* with Steve Martin, who was in *Novocaine* with Bacon himself.



LINKED:
The New Science of Networks
by Albert-Laszlo Barabasi
Perseus Publishing $26.00

The implications of the Kevin Bacon game may seem a little ho-hum, but after Barabasi explains the early mathematical debates over networks, *Linked* gets really interesting, showing how this new science promises to change the way we conduct everything from medical treatment to the war on terrorism.

For years, researchers assumed that networks operated through what statisticians call "normal distributions," with an average, or mean, and a bell curve around that average. Human height, for instance, follows normal distribution, as most people are between five and six feet tall, with a few taller and a few shorter.

But now we know that networks are often organized in what statisticians call "power distributions," with most data points clustered together at a low level, with a few out on the extreme. If height followed a power distribution, most people would be very short, but numerous 100-foot-tall men and women would wander the streets, and at least one 8,000-foot-tall man would work somewhere as a window-washer.

The result of this distribution is that the hubs (the really tall people) play a dramatic role in linking things together. On the Web, for example, Barabasi has found that browsers can get from pretty much any page to any other through about 19 links. That number is so low because a few sites such as Yahoo! can lead almost anyplace, even though a vast majority of Web pages have three or fewer links connecting to them.

The same is true of human beings socially. Most people have a core group of friends, but a few extraordinary connectors know thousands of other people and can link them all together. Malcolm Gladwell illustrated this point in his famous *New Yorker* essay "Six Degrees of Lois Weisberg." Just as linkages between people in Chicago often pass through uber-socialite Lois Weisberg, Washington connections seem to flow through Vernon Jordan (remember his role in the Lewinsky scandal?).

Over the last few years, Barabasi has shown that a number of other systems work the same way. Gaetan Dugas, the so-called "Patient Zero" who had sex with thousands of men in the early 1980s, was a hub for spreading AIDS. A tumor-suppressing gene named P53 serves as a network hub that controls a large number of proteins in the human body. Paul was a hub for spreading Christianity.

Not only do these hubs serve as the core for current networks, they also tend to grow stronger over time. When Google became the search engine of choice, more people started to link to it. Vernon Jordan is in demand because of all the people he already knows. This phenomenon ensures that networks retain their essential character as they grow.

Barabasi's research has some profound implications. For one, these types of networks are extremely resistant against random attacks or failures. Eliminate one Web site out of every five, and enough interlinking tentacles will remain to keep the network functional.

But at the same time, the existence of such powerful hubs makes networks extremely vulnerable to targeted attacks. Knock out Yahoo! and the Web would be vastly harder to navigate. When an Oregon power line exploded in 1996, it brought down the country's electricity distribution from the Rockies to the Pacific.

Targeted attacks also have the potential to be used for good. In theory, forcing Dugas to use condoms 20 years ago might have attenuated the AIDS crisis. If al Qaeda works the way that most networks do, getting rid of its hubs—Osama bin Laden, Ayman Al-Zawahiri, and Mohammed Atef—might destroy it.

Linked bounces from story to story in short snippets, and sometimes feels like a 250-page "Tilting at Windmills" column, but it's still very lucid by the standards of scientific exposition. More important, it matters. Looking at biological networks is one of the fastest-growing fields in medicine, for example, and the world's financial, agricultural, and economic structures grow more connected by the day. There's a lot to learn from Kevin Bacon and Vernon Jordan—and Barabasi has written an important guidebook.

NICHOLAS THOMPSON *is a Markle Fellow at the New America Foundation and a contributing editor of* The Washington Monthly.

Market Fundamentalism

By Siddharth Mohandas

ECONOMISTS ARE THE ORACLES of our age, bestowing their wisdom on a world confronted with the dizzying choices of globalization. Throughout the 1990s, they were everywhere: Markets would tremble at the slightest catch in Alan Greenspan's voice; teams from the International Monetary Fund would fly into poor countries to revamp their economies; and finance ministers would appear on television as often as prime ministers. Sometimes, however, the oracles got it wrong.

Just how wrong is one of the many surprising and disturbing revelations that emerge from *Globalization and Its Discontents*. Part memoir, part primer, part polemic, Joseph Stiglitz's book recounts the crises that devastated the world economy in the past decade. A former chairman of Bill Clinton's Council of Economic Advisers and chief economist of the World Bank, he draws on his experience to attack the

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IMF for first contributing to the economic problems of the 1990s and then making them worse. What is striking about this critique is seeing a venerated insider argue so forcefully that globalization has been mismanaged. This is no longer merely a matter of protesters in the street.

GLOBALIZATION AND ITS DISCONTENTS:
by Joseph Stiglitz
W. W. Norton & Co., $24.95

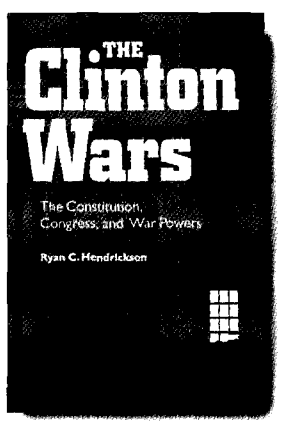
Stiglitz's bête noire is the economic approach taken since the 1980s by the World Bank and the IMF, which he terms "market fundamentalism." Most basically this is the belief, prominent during the conservative ascendancy of the Reagan and Thatcher years, that free markets are always the best way to resolve economic problems. Stiglitz argues that such an approach neglects the fact that markets work poorly when institutions are weak and economic information is not widely available—conditions which prevail in most of the developing world. Stiglitz's theorizing about these issues earned him the Nobel Prize in 2001 but was ignored by IMF ideologues.

The IMF's free-market religion is revealed most clearly by its unshakable commitment to something called "capital-account liberalization"—the removal of barriers that prohibit the flow of capital into and out of countries. Although open capital markets bring some benefits, such as foreign direct investment, they also create a substantial risk of instability. Despite this, the IMF, believing that free capital markets make economies more efficient, pushed liberalization onto developing countries. In Stiglitz's view, this push was the single greatest contributing factor to the economic turmoil of the 1990s, and he illustrates this through detailed studies of the Asian financial crisis and Russia's botched transition to capitalism.

The problem with full capital-account liberalization is that it allows speculative "hot money" to flow into a developing economy—funds that can be pulled out overnight at the slightest shift in investor confidence. For instance, the devaluation of the Thai baht in 1997 prompted just such a reversal. As bankruptcies spread among firms that had borrowed abroad, the IMF made emergency loans to crisis-afflicted countries seeking to shore up their currencies. But they were conditional on rigid reforms: higher interest rates, fiscal austerity, and a reduction in imports.

Stiglitz compares these moves to Herbert Hoover's insistence on a balanced budget during the Great Depression. Higher interest rates prompted more bankruptcies, lower government spending spurred greater unemployment, and reduced imports spread the crisis to other countries by lowering regional income. Policies intended to bolster investor confidence thus had the opposite effect. In Indonesia, for example, the IMF demanded a cut in food subsidies that led to widespread rioting and precipitated that nation's violent political revolution. Asia paid a steep price for these errors: Unemployment shot up threefold in Thailand, fourfold in Korea, and a staggering tenfold in Indonesia.

In seeking to unravel why the IMF persisted in its approach, Stiglitz argues that the IMF and its masters in the U.S. Treasury Department are fundamentally influenced by Wall Street. He does not allege a conspiracy per se but rather a dangerous mindset. Echoing an argument originally made by trade economist Jagdish Bhagwati, Stiglitz says those who make economic policy generally interact with and are drawn from the financial community, and consequently are attuned to its interests and ideology. The enthusiasm for capital-account liberalization and the emphasis on paying back foreign creditors during the Asian crisis can thus be explained by American and European banks pushing for both. IMF managers can get away with this, Stiglitz argues, because they spend billions in public funds but are not directly accountable to any public authority. To remedy this,



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he calls for greater transparency and a greater role for developing nations at the IMF, so that it will be forced to defend its decisions to those affected by them.

Although at times he belabors his points, Stiglitz's arguments come across clearly and accessibly, even to non-economist readers. For the most part they are persuasive, but the author does occasionally overreach. He seems unwilling to credit the IMF for anything it does. For instance, at the onset of the Asian crisis, no one knew for sure what would work and what wouldn't, so it was hardly surprising that officials relied on familiar policies. And when the disastrous effects became apparent, the IMF did change course somewhat. Korea is better off than Indonesia today not just because, as Stiglitz argues, its leaders did not go along with all IMF proposals; the IMF program there was also better designed, particularly in its use of debt restructuring, thanks to the fund's incorporation of lessons learned. Stiglitz's portrayal of the IMF as impervious to change must also be leavened by recent developments: IMF First Deputy Managing Director Anne Krueger's proposal of a "Super Chapter 11" bankruptcy system for countries echoes Stiglitz's own suggestion in the final chapter of his book. Finally, one might wonder what political incentives the U.S. has to relinquish control over the IMF and allow more say for developing nations.

Nevertheless, the impulse to demand greater accountability and transparency within the IMF is a good one. Keynes wrote in a previous age of economic ferment that "the ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood." Stiglitz's book vividly illustrates this truth and shows why outsiders must cast a close, critical eye on global economic institutions.

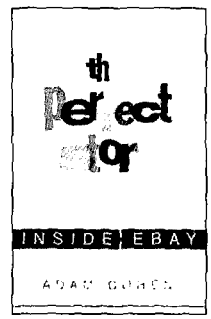
Economics is too important to be left just to the economists.

SIDDHARTH MOHANDAS *is an assistant editor at* Foreign Affairs.

Auction Hero

By Justin Peters

IT WAS THE UGLIEST SUIT I HAD ever bought, and it made me an eBay fan for life. I had been invited to a "color-blind" party and needed to find something appropriate to wear. A quick search of area garage sales and thrift stores had failed to turn up anything suitably gauche, so, as a last resort, I turned to the Internet, pointing my browser toward the then-relatively-new eBay. Within 10 minutes, I had found the object of my desire. Colonel Sanders-white, 100-percent polyester, with flared cuffs and oversized buttons, it was a paragon of sartorial excess—and a bargain at $30. I placed my bid, waited, and three days later received notice that I was the winning (and only) bidder. I looked like a twisted milkman when I wore it, which was to be expected; it was undoubtedly the tackiest suit in the world. And, thanks to eBay, it was all mine.



THE PERFECT STORE:
Inside eBay
by Adam Cohen
Little, Brown, $25.95

This was my introduction to eBay, the wildly successful online auction service that gives new meaning to the phrase "one man's trash is another man's treasure." In the market for a talking necktie, a porcelain pig, or a beer helmet? Odds are that a brief search will yield what you're seeking. But far from being limited to tacky kitsch and bizarre curios, eBay also serves as a clearinghouse for a number of useful goods, from computers to automobiles to pressure cookers. Profitable since its inception and boasting more than 42 million registered members, eBay is one of the bona fide New Economy success stories.

Yet, to hear Adam Cohen tell it, Wall Street success was the last thing on Pierre Omidyar's mind when he founded eBay in a spare bedroom in 1995. In his new book, *The Perfect Store: Inside eBay*, Cohen reports that the online auction service began as an exercise in economic theory, a real-world attempt at forming that most basic of microeconomic precepts, the perfect market.

EBay's unofficial motto could well be "eBay: Eliminating the middleman since 1995," for that has been the crux of Omidyar's perfect market—bringing together individual buyers and sellers on a level playing field where the market perfectly determines an item's price at the intersection of supply and demand. Early on, Omidyar realized that "the Internet was driving down the value of middlemen because it was making it easier—and therefore more economically efficient—for individuals to carry out their own transactions." By providing a setting where buyer and seller could come together in free-market bliss, Omidyar hoped to discover whether or not a perfect market could be established. Becoming a multi-billionaire, it seems, was only incidental to that goal.

Such an assertion would seem laughable from someone else. But in this case, it isn't. Cohen portrays Omidyar as the antithesis of the typical dot-com CEO, refreshingly free of smooth talk and flim-flammery. Omidyar thrived on innovation and preached fiscal responsibility, urging employees to spend company money as if it were their own. He maintained that running a major corporation was not something that he wanted to do. And, in 2000, he put his money where his mouth was and walked away during the height of the company's success.

Omidyar is a compelling figure. The child of French-Iranian parents, and a veteran software developer, he is described as exuding a "profound, existential calm," piquing readers' curiosity. But the trouble with Cohen's narrative is that Omidyar flits in and out like an enigmatic butterfly, preventing the reader from really getting to know the man. This is emblematic of the main problem with *The Perfect Store*. The book is structured as a series of bite-sized anecdotes, but Cohen bounces from one to another without any semblance of cohesion. Characters are introduced, abandoned, and then picked up again 100 pages later. This frustrating structure is a product of Cohen's desire to illustrate his thesis that eBay's success derives in large part from the sense of community it fosters among its users. On the site's bulletin boards (the "eBay café"), buyers and sellers come

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together, creating unique identities and forging friendships. Cohen writes that "[b]oard regulars lost sleep, and even missed work, because they stayed up all night in the Cafés ... In the vast, cold expanse of cyberspace they were a convivial outpost, a place where users never felt alone." Holding the eBay community in such high esteem, as he does, Cohen wanted to profile as many of the members as he could, in the hope of arriving at a greater understanding of just what it is that makes eBay tick. The trouble is that, compared to Omidyar, these eBay fanatics just aren't all that interesting. In fact, most are rather pathetic and depressing. EBay's message boards seem to be a gathering point for outcasts and loners, people who would "cry all night, sometimes all week," over a nasty post. Regulars included a cross-dressing dairy farmer, an amnesiac hermit, and "an Elvis groupie who believed the King had personally intervened to get her a job at eBay processing payment checks." The profiles shed more light on Internet addiction and obsessive-compulsive behavior than they do on eBay's rise to the top.

The result is confusing and ultimately disappointing. It prompts one to imagine how somebody like Michael Lewis might have treated the same subject matter, narrowing his focus and concentrating solely on Omidyar and his quest for economic perfection. Had Cohen done this, his book would have been an unqualified success. In a way, though, Cohen's obsessiveness is fitting. Just as *The Perfect Store* offers an anecdote about seemingly any and every eBay shopper, the perfect store offers seemingly anything and everything that anybody would ever want. Including my Colonel Sanders suit, which I sold back on eBay three months later for a $20 profit. Perfect market, indeed.

JUSTIN PETERS *is a writer living in Chicago.*

Benign Enchiladas

By Tyler Cabot

IN THE PROLOGUE TO KATHLEEN Hart's *Eating in the Dark*, Grace Booth is attacked by an enchilada. She runs a home for troubled youth, and prepares her residents enchiladas for lunch. Within minutes, her lips swell, and her head and back itch uncontrollably. Her throat swells shut. She tries calling for help, but "her voice would not come out"—altogether, a scene out of *ER*. Hart writes, "She was rushed to the hospital in an ambulance, where she went into anaphylactic shock and almost died."

Booth was only one of scores of Americans who complained of allergic reactions to corn products during the summer and fall of 2000, when news broke that traces of genetically engineered StarLink corn had found their way onto grocery store shelves.

EATING IN THE DARK: America's Experiment with Genetically Engineered Food
by Kathleen Hart
Pantheon Books, $25.00

But conspicuously absent from Hart's terrifying introduction are several important details that seriously undermine her credibility. To begin with, most people who rushed to the Food and Drug Administration with corn horror stories (including Booth) did so only after public hysteria had been raised to a fever pitch from non-stop media coverage. More significantly, Hart fails to mention that a sample of the corn tortillas Booth had eaten turned up negative for the StarLink protein, to which a subsequent allergy test showed that she was not even allergic. Her tests were among 11 food samples and 17 blood samples sent to the Centers for Disease Control and Prevention (CDC) for study after the story broke.

After months of research, the CDC could find absolutely no evidence that Booth (or any of the other supposed victims who underwent testing) had suffered an allergic reaction. She may have gotten sick after eating corn tortillas, but it wasn't StarLink that nearly killed her. Yet Hart buries these telling studies 200-odd pages into the text—a pretermission symptomatic of her entire "unbiased" work.

The American food supply is inundated with genetically engineered food, and it is Hart's intention to make us fear it. Her central contention is that the public has been kept largely ignorant of the dangers of bioengineered food and its prevalence in the food supply. Indeed, Monsanto's Roundup Ready soybeans, modified to endure a thorough dousing of the weed killer Roundup, accounted for 60 percent of the soy harvest last year. (Soy is an ingredient in two-thirds of all processed foods.) Bt Corn, engineered with its own pesticide in every kernel, accounts for a quarter of the U.S. harvest. Yet two-thirds of Americans in 1999 did not know supermarkets were selling bioengineered foods; only three percent

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knew they were eating genetically modified (GM) soybeans; six percent knew they were eating GM corn. According to Hart, Americans are unwitting guinea pigs.

The scientific history of genetically engineered food can be traced to the San Francisco lab where, in 1973, Herbert Boyer and Stanley Cohen developed the first method for engineering bacteria through a process of selecting genes with specific characteristics and inserting them into a bacterium, a process that would later be used to develop synthetic human insulin for diabetics and enzymes used by the food industry to control texture and taste. Boyer and Cohen's technique ushered in a rash of interest in bioengineering among scientists and corporations alike, fascinated by the mass potential in the new technology to make riper tomatoes, parasite-resistant spuds, and enriched golden rice that would combat blindness in the Third World.

Yet the feats of science and technology developed in the quarter-century since Boyer and Cohen's breakthrough tell only one side of the story. Once bioagricultural companies had mastered the science and were ready to take their products to the marketplace, a much tougher battle awaited, this one with a public that feared the health and environmental consequences of tampering with nature's original genetic recipes. Time and again, the public met the introduction of genetically modified food with anxiety regarding its long-term effects.

Monsanto's debut of bovine growth hormone in 1986 (which promised higher yields of cows' milk), and a year later Advanced Genetic Science's open-field test of the "ice-minus" bacterium (which lowered the temperature at which frost forms on crops) were met with protests and subsequent public relations fiascoes. Bovine growth hormone seemed to tamper with a food staple of children solely for the benefit of corporate farmers, and pictures of scientists dressed in space suits spraying strawberries with ice-minus were disconcerting, to say the least. The StarLink debacle and the subsequent recall of 300 products from grocery store shelves generated similar anxiety. Though critics of GM foods have not been able to shut down laboratories, they have been mildly successful in scaring the public from buying such products by filling the vacuum of hard scientific information with "what if" scenarios, an alarmist strategy employed in nearly every paragraph of *Eating in the Dark*.

Though all the anecdotes and facts Hart presents are disturbing, her arguments never climax. Her primary contention is that there has been no testing done on GM foods to determine that they are in fact safe for human consumption. But the problem is that neither has there been any testing to suggest they are not. Thus, the reader is stuck in the midst of a scientific tug-of-war with no real clarity as to the potential threats to humans or the environment. Instead of facts, we are offered insinuations; in place of studies, opinions. Hart's strongest piece of evidence that GM food may be harmful turns out to be as dubious as the story about StarLink corn allergies. After dedicating an entire chapter to the supposedly ground-breaking work of British scientist Arpad Pusztai, who determined that Bt potatoes damaged the immune systems of mice, she shatters his credibility. Pusztai's findings and methods were questioned by his colleagues, his own research institute rebutted his claims, and the UK and EU both relieved him of his duties studying GM foods.

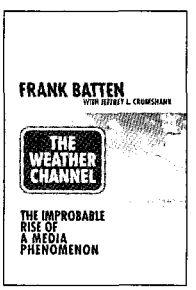
Hart hints, hollers, and shoves the reader towards a conclusion that the technological promise of GM food is as treacherous as that of atomic energy once proved. Her argument for more testing is persuasive. But after 14 chapters, when the smoke clears, she still can offer no clear-cut answer to perhaps the most significant question of all: Should I shop at Safeway or Whole Foods?

TYLER CABOT *is a former* Washington Monthly *intern.*

Weather Vain

By Brent Kendall

"DON'T KNOCK THE WEATHER," the humorist Kin Hubbard once cautioned. "If it didn't change once in a while, nine out of 10 people couldn't start a conversation." For the past 20 years, The Weather Channel has provided plenty of material for these conversations, establishing itself as one of the country's foremost media brands in the process. But success wasn't preordained. It was produced by a fateful combination of business skill and serendipity, says Frank Batten, who, with Jeffrey L. Cruikshank, has just given us *The Weather Channel: The Improbable Rise of a Media Phenomenon.*



THE WEATHER CHANNEL: The Rise of an Improbable Media Phenomenon
by Frank Batten
Harvard Business School, $29.95

When Batten, the now-retired chairman of Landmark Communications, announced his company's plan for a 24-hour weather network in 1981, the media and business communities responded with a collective snicker. Though cable was still in its infancy, stations like CNN, ESPN, and MTV were raising expectations. A weather channel, on the other hand, hardly seemed like the next big thing. But while much-hyped cable ventures like CBS's arts-and-culture network came and went, The Weather Channel figured into the daily routine of more and more viewers. Today, it has achieved almost complete cable-market saturation, reaching 85 million households that tune in for its pitch-perfect blend of reality TV and news you can use.

In 1978, "Good Morning America" weatherman John Coleman spent his nights preparing his morning forecasts and his days plotting his dream venture, an all-weather channel to supplant the anemic TV news coverage, which he considered grossly inadequate given the effect weather has on people's lives. Eventually, Landmark signed on. The company's cable systems already carried a rudimentary weather channel, nothing more than the scrolling text of the day's forecast and a still shot of wind and temperature dials. Though it provided about as much action as fish swimming in a bowl, people seemed to be tuning in, as evidenced by the many customer complaints Landmark received when the station experienced technical problems. Batten's instincts convinced him that viewers would be intensely loyal to the

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channel and would value its weather reports as a public service.

The Weather Channel debuted in May 1982, with a staff built on meteorological credentials instead of good looks, and with pioneering technology that provided each cable system with locally tailored forecasts. But the relationship between Coleman and Landmark soured quickly in the face of larger-than-projected losses and, in Batten's view, declining staff morale. The two parted ways just over a year later, but not before airing their dirty laundry in court, Coleman departing the venture entirely.

Perversely, the court battle helped The Weather Channel by publicizing its financial problems. Landmark's original business plan was a precursor of the basic Internet model—give away content and make money through advertising. Only the major networks were able to charge cable operators for their broadcasts. But those operators feared losing their niche weather programming and indicated a willingness to pay for it. Revenue stabilized, the cable industry boomed, and The Weather Channel finally broke even in 1986.

Batten surely enjoyed The Weather Channel's improbable rise, but he doesn't let the reader in on the fun. The narrative jumps from the problem-plagued early years straight to the current halcyon days, with hardly a mention of such Weather Channel celebs as Jim Cantore—the Kerouac of weathermen—who, traveling with the station's mobile "Storm Tracker," never met a hurricane he couldn't cover. Then there's the depressing Coleman, who casts a shadow over much of the book—a dreamer, says Batten, who "had written a part for himself that, sadly, he proved unable to play." (Coleman currently works for KUSI-TV in San Diego and recently dismissed *The Weather Channel* as self-serving and revisionist. Weather fanatics anticipate his scathing tell-all.)

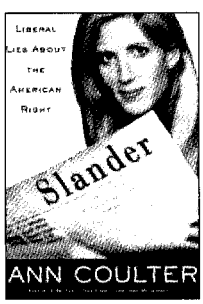
Readers are left to ponder Batten's loftiest claim: that The Weather Channel has fostered "an enormous surge of interest in the weather." While it's probably true that your average weather-watcher couldn't speak knowingly of El Niño 20 years ago, people have marveled at Mother Nature's wonders since time immemorial. Weather remains beyond our control. And despite The Weather Channel's climb to the top of the cable world, with its snazzy seven-day forecasts, its subject remains largely beyond our prediction.

BRENT KENDALL *is a* Washington Monthly *intern.*

Coulter Clash

By Jamie Malanowski

IN A WORLD OF LARGELY STATIC talking heads, there is no pundit more kinetic than Ann Coulter. She bobs her head, she shifts in her seat, she moves her hair around. She does more things with her mouth and eyes and eyebrows in one segment of a talk show than Jack Germond did in a decade on "The McLaughlin Group." She is also fast. She thinks fast, she talks fast, she blurts, she gasps, she interrupts, she makes noises of exasperation and disgust. She is also forceful, stating her opinions firmly and supporting them with facts. She has mastered the art of the talk show, of winning the segment, of getting the last word in before the commercial break or before the host changes the subject. All these elements together make her a formidable television presence.



SLANDER:
Liberal Lies About the American Right
by Ann Coulter
Crown, $25.95

Why, then, she would ever write a book is beyond me. Words just sit there. They don't move. They don't go away. The author's media-genic advantages and her theatricality are nullified. Her speed of thought and speech are useless. The pages accumulate, revealing every inconsistency, every mistake, every bad habit, every crutch. If I were Ann Coulter, and *Slander: Liberal Lies About the American Right* was the best book I could produce, I would never write another word.

Slander is basically a tour d'horizon of recent American politics during which Coulter reviews liberal commentary about personalities and events and attempts to show how very, very, very wrong liberals have always, always, always been. And not always just wrong, but also mean, and unkind, and unfair. At the same time, she attempts to show how conservatives were always right, and how they were also scrupulous, precise, and consistently aboveboard and high-minded. The book does not try to argue, say, that Ronald Reagan was a great president, or that George W. Bush is a capable leader, or that Al Gore would have been a poor leader, or that the Republicans won the Florida election in 2000 fair and square. To argue those points would be too timid. Coulter's approach is to treat these and other precepts of the right as immutable laws of nature, and then to treat anyone who would object to them as un-American or heretical or lunatic

Does it sound like I'm skewing what Coulter says? Here are some typical sentences:

"Every pernicious idea to come down the pike is instantly embraced by liberals to prove how powerful they are. Liberals hate society."

"Liberals hate America."

"[Liberals] are painfully self-righteous, they have fantastic hatreds, and they could not see the other fellow's position if you prodded them with white-hot pokers...They are completely unhinged."

"Principle is nothing to liberals. Winning is everything."

"Liberals explicitly view the dissemination of news in America as a vehicle for left-wing indoctrination."

Read that last sentence slowly; has she been eavesdropping at the Secret Liberal Club meetings? And how about this one? "For about twenty years now, all new ideas have bubbled up from the right wing." All new ideas? All? Air Jordans? The Macarena? Pizza Hut's Stuffed-Crust Pizza?

"Liberals have been wrong about everything in the last half-century," she writes. "They were wrong about Stalin (known as "Uncle Joe" to Franklin Roosevelt) ... They were wrong about Reagan. ... They were wrong about the Soviet Union ... They were wrong even about their precious 'Abraham Lincoln brigade' in the Spanish Civil War ... Nicaragua. ... welfare ... crime ... the sexual revolution." For the sake of argument, let's say liberals were wrong about all those things, although it's really hard

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to say that Truman, Kennedy, and Johnson were "wrong" in any fundamental way about Stalin or the Soviet Union. But let's see—I believe that still leaves liberals being right about civil rights, equal rights for women, Israel, Nixon and Watergate, and Hitler. (Okay, I'm stretching the half-century time frame a bit, but she's the one who mentioned Franklin Roosevelt.)

But history doesn't seem to be her strong suit. She says liberals think all Republican presidents are "dumb"—Coolidge, Eisenhower, Nixon, Ford, Reagan, Quayle (standing in for Bush 41) and Bush 43. It's amusing that she starts with Coolidge, ignoring Harding, who was manifestly stupid and corrupt, as well as Hoover, who was obviously smart, but a failure. People thought Stevenson was smart; nobody thought Eisenhower was dumb. And nobody thought Nixon was dumb.

Other examples? Twice she mentions that when Sen. Jeffords left the Republican party, the *Los Angeles Times* wrote "Sen. Jim Jeffords now walks in the footsteps of Winston Churchill, Ronald Reagan, and Abraham Lincoln." She is aghast that some obviously liberal editorial writers would taint the name of her beloved Ronald Reagan and two other certified Great Men of History by mentioning this lightweight in the same breath. Indeed, in nearly all cases it would be a spurious inclusion, but as it happens, all four of these fellows are people who switched parties. The *Times*' comment is hardly spurious. Coulter just didn't get it. Griping (not wholly without reason) about the media's willingness to hire members of Democratic administrations to serve as reporters and anchors, she jumps on George Stephanopoulos. Saying that he was part of morally corrupt administration, she writes, "Hiring Stephanopoulos would be the equivalent of a major network hiring Chuck Colson immediately after Watergate." Apart from the fact that Colson did hard time in prison for his role in a criminal conspiracy, yes, they might be exactly the same.

There are other howlers in this book. She writes with gusto about how lucky we were, after September 11, and after were attacked Afghanistan, that we didn't have a micromanager like Gore in the White House. Yeah, at his August 6 briefing, when he was told about suspicious al Qaeda activity, a micromanager might have asked the CIA if any FBI field offices had anything to add. A micromanager might have asked Gen. Tommy Franks why he thought we could rely on Pakistanis to catch Osama when he scoots out of Tora Bora.

Anybody can be snide. Anybody can be small, and mean, and disdainful. Coulter's especially good at it. And she has a lot of unassailable examples of Democrats being good at it. All of which is so useless now. The American people were tired of this bickering and this partisanship before September 11, and they understand completely that it serves no purpose whatsoever in our present predicament. We can no longer afford to luxuriate in insipid gamesmanship. Coulter's book is a waste of time.

JAMIE MALANOWSKI *is a writer in New York.*

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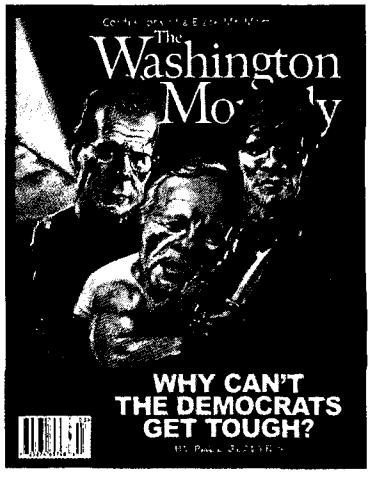

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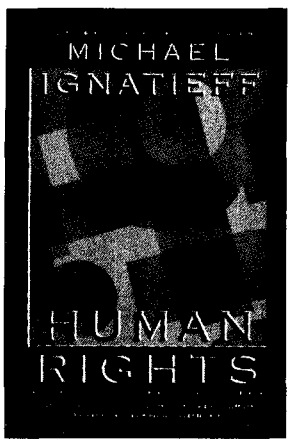

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Michael Ignatieff

Edited and with an introduction by Amy Gutmann

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A History of Popular Nationalism

Robert H. Wiebe

With forewords by Sam Bass Warner, Jr., and James Sheehan

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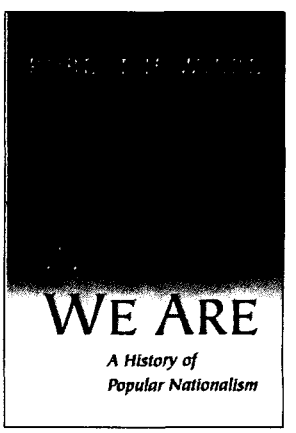

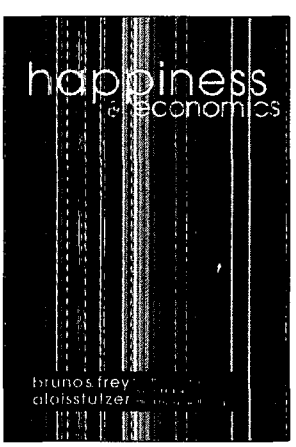

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